

**State of Oregon**

**TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD**

**Regular Meeting Minutes**

**January 12, 2000**

**MEMBERS PRESENT:** Terry Dieter, Vice-Chairman  
Judy Bauman  
Sue Blatner  
Jim Chapman - Arrived at 9:35 a.m.  
Michael Cliburn  
Jim Ferris  
Jeff Grunewald  
Ray Kerridge  
John Lape  
Ron Murray  
Forrest Soth  
Robert Yorke

**MEMBERS ABSENT:** Lisa Naito, Chairman - Excused

**STAFF PRESENT:** Joe Brewer, Administrator  
Mark Long, Manager, Policy and Technical Services Section  
and Board Secretary  
Joan Stevens-Schwenger, Manager, Tri-County Building  
Industry Service Center  
Peggy Collins, BCD Building Official  
Louann Rahmig, Rules Coordinator  
Gary Rutledge, Program Operations Officer  
Marilyn Benton, Boards Coordinator/Recorder

**GUESTS PRESENT:** Kevin Brice, Washington County  
John Gervais, National Electrical Contractors Association (NECA)  
David W. Davies, City of West Linn  
Dennis Carney, City of Forest Grove  
Gary Lampella, City of Tigard  
Gary Wright, Plumbers and Steamfitters Local 290  
Joe Landry, National Electrical Contractors Association (NECA)  
Jay Winchester, Washington County  
Burton Weast, Oregon Association of Plumbing, Heating and  
Cooling Contractors (OAPHCC)

Steve March, for Lisa Naito  
Alan Seymour, Oregon Office of Energy  
Scott Faulkner, City of Portland  
Matthew Moritz, Architects Council of Oregon and  
Oregon Remodelers Association  
Brian Krieg, PMCA  
Tim Gauthier, National Electrical Contractors Association (NECA)  
Ralph Groener, AFSCME  
David Bylkas, City of Sherwood

## **I BOARD BUSINESS**

### **I.A Call to Order**

Vice-Chairman Dieter called the Tri-County Building Industry Service Board to order at 9:30 a.m. The meeting was held in the City Council Chambers/Annex, 8445 SW Elligsen, Wilsonville, Oregon.

### **I.B Roll Call**

Lisa Naito was absent (excused).

### **I.C Approval of Agenda and Order of Business**

Vice-Chairman Dieter **RULED** the agenda adopted as submitted.

### **I.D Approval of December 16, 1999, minutes**

Vice-Chairman Dieter **RULED** the minutes approved as submitted.

### **I.E Date and Location of the Next Regularly Scheduled Meeting (Second Wednesday of each month)**

February 9, 2000 - 9:30 a.m.  
City Council Chambers-Annex  
8445 SW Elligsen  
Wilsonville OR 97070

Because of a scheduling conflict at this location, Board Secretary Mark Long proposed moving the venue to the City of West Linn for the months of March, April and May 2000. It is anticipated that the new Tri-County Building Industry Service Center location will have

been selected and available by the June meeting. A map with directions to the West Linn site will be included in the next board packet.

## **II PUBLIC COMMENT - None.**

## **III STAFF REPORTS - Joe Brewer, Administrator**

Administrator Brewer introduced Joan Stevens-Schwenger, the new Manager of the Tri-County Building Industry Service Center. She joins the division on job rotation from the Bureau of Labor and Industries where she has been Manager of Technical Assistance for Employers for the past seven years. Mr. Brewer also introduced Greg Carlson, City of Portland Housing Inspection Supervisor, who joins the division on job rotation to serve as an expert on jurisdictional matters at the Tri-County Building Industry Service Center. The division is recruiting for support staff and a limited duration Program Tech to assist with training.

Mr. Brewer gave a brief overview of Senate Bill 587 which requires jurisdictions to establish dedicated funds for building inspection activity. The Oregon Building Officials Association (OBOA), League of Oregon Cities (LOC) and the Building Codes Division (BCD) are conducting workshops around the state to explain the process.

## **IV COMMUNICATIONS - None.**

## **V UNFINISHED BUSINESS**

### **V.A List of Building Departments Within the Tri-County Area**

A list of the cities and counties administering either part or all of a building inspection program during the 1999-2000 assumption period was included in the board packet. Mark Long distributed a revised copy (Exhibit "A") to replace that list.

Mr. Long explained that 27 jurisdictions have assumed the inspection program in the Tri-County area. In some cases there is an overlap where an individual serves as building official in more than one area. At Jim Ferris' request, a breakdown will be included in the next board packet. The list will be corrected with editorial changes and expanded to show which functions or services are carried out within a particular building department.

Jim Chapman commented that there are other types of jurisdictions that perform inspections, such as fire districts. Forrest Soth understands that special districts cooperate in inspection and permit processes with the jurisdictions they serve.

Jeff Grunewald confirmed that in those cases the building official has authority for permitting, reviewing and approving new construction, and that the fire official, for example, works in conjunction with the building official. Mr. Grunewald is hopeful that the process can be more clearly defined for the users. Mr. Long said staff will provide the board with available information on any joint/special district relationships of which the division is aware.

#### **V.B Program Review Schedule for the Tri-County Area**

Building programs are reviewed at least every four years. The division conducts approximately 36 program reviews annually. A sample program review report was included in the board packet. Following is the State of Oregon Building Codes Division schedule for building program reviews January 2000 through June 2000:

Clackamas County  
City of Cornelius  
City of Forest Grove  
City of Gresham  
City of Wilsonville  
City of Estacada

#### **V.C Report on Committee Members and Meeting Dates**

Three rule advisory committees were established to address the first seven items mandated by Senate Bill (SB) 512. Copies of committee rosters and public meeting notices were distributed:

SB 512 Process and Forms Committee (Exhibit "B")

January 20, 2000 - 9 a.m. to Noon - (follow-up meeting January 25)

Oregon Trail Meeting Room, City of Gresham, 1333 NW Eastman Parkway, Gresham

John Lape, Board Member

Rob Yorke, Board Member

Ray Kerridge, Board Member

Terry Dieter, Board Member

Clint Hilman, City of Gresham

Tim Gauthier, NECA

Kevin Brice, Washington County

Scott Bowles, West Hills Development, Beaverton

SB 512 Minor Label Committee (Exhibit "C")

January 25, 2000 - 1 to 5 p.m. - NECA, 601 NE Everett, Portland, Oregon

*(Follow-up meetings at NECA from 8 a.m. to 12 noon February 2, 10 and 16, 2000)*

Sue Blatner, Board Member

Jim Ferris, Board Member

Forrest Soth, Board Member, Committee Chairman

Gary Phillips, Gary's Vacuflow, Portland

David Davies, City of West Linn

William Davis, Washington County

Mark Long, BCD

SB 512 Fees Committee (Exhibit "D")

January 27, 2000 - 9 a.m. to Noon - NECA, 601 NE Everett, Portland, Oregon

Jim Chapman, Board Member

Michael Cliburn, Board Member

Judy Bauman, Board Member

Ray Kerridge, Board Member

Terry Dieter, Board Member

Kevin Wing, HVBA of Metro Portland

Alan Langendorf, City of Lake Oswego

Jim Backenstos, Oregon Electric, Portland

Denice Klein, City of Portland

Building Officials and interested parties are invited to attend all committee meetings.

**VI NEW BUSINESS - Presentation of Program Review Process -  
Senate Bill (SB) 35 - Gary Rutledge**

Mr. Rutledge distributed copies of an explanation of the program review process (Exhibit "E") resulting from SB 35 passed by the 1995 Legislature, and copies of "Program Delegation - Administrative Rules Chapter 918, Division 020, General Rules - October 1998" (Exhibit "F").

That legislation directed the Department of Consumer and Business Services, Building Codes Division (DCBS/BCD), to adopt rules regulating county and city government administration and enforcement of building inspection programs. A task force was formed, and on July 1, 1996, the division adopted Oregon Administrative Rule (OAR) 918-020, which required all municipalities enforcing a building inspection program to prepare independent operating plans that describe how they will administer and enforce their building program.

Oregon Revised Statute (ORS) 455.150 requires the division to conduct a program review at least once every four years to verify that each municipality is conforming to goals identified in its operating plan. Additionally, the division reviews requests for assumption of new building inspection programs, fee changes, and fiscal impact of new programs on those currently providing the service.

The objective of reviews is to increase uniformity and share process information among local jurisdictions to improve efficiency and customer service. The division adopted administrative rules to comply with the Legislature's directive. The rules require a municipality administering a building inspection program to prepare an independent operating plan that responds to needs of the local community. All affected municipalities successfully submitted approved operating plans prior to July 1997.

Municipalities are divided into four groups of various sizes and geographical locations, and the division reviews approximately 36 municipalities annually. At present, 136 jurisdictions have assumed responsibility for building code enforcement. If no one assumes responsibility for building programs, the state has the responsibility. The state has 10 full-service jurisdictions. The state also provides services, such as electrical inspections, for other jurisdictions. The administrative rules created four major program review categories:

- Review of permit and inspection records
- Review of general administration and compliance programs
- Review of previously approved construction plans
- Review of inspections

The division program review staff serves as a resource to municipalities by providing requested assistance and interpretations. Five division personnel, with a total of 41 certifications among them, serve on the program review team. The Chief Electrical Inspector joins the team for electrical program reviews. Based on the size of the municipality, additional division personnel may be recruited to work on a review. A building official team will assist local jurisdictions if the local jurisdiction requests the help.

Municipalities have a general understanding of what the process includes before the team arrives. Prior to a review, the division sends a questionnaire to area contractors asking them to comment on services provided. That information is shared with the local building department. A questionnaire is also sent to the local building department asking for information associated with the number of permits issued, revenue and expense. Most reviews are completed in one day with as little disruption to jurisdiction staff as possible. Larger jurisdiction reviews may require two days. The division looks upon the building official as the manager of the building program who is responsible for inspection, permit and administrative staff, and for communication with the division.

When required, the division may issue a notice to the building official that there is a failure to comply with standards. The division assists municipalities with recommended corrections and suggestions for improvements, as necessary.

The division review team receives an average of 20 telephone calls each week from contractors and individuals requesting assistance in solving problems they are having with local building departments. The division maintains a neutral position and has been effective in negotiating successful solutions to problem construction issues between individuals and municipal building departments.

A division data base provides a history of all reviews. The review staff looks at available records, which may be three to four years old, and considers the applicable code in force at the time. During the review, the team visits with the building official to determine the jurisdiction's processes and procedures for enforcement of licensing and compliance issues. The division considers the number of inspections an inspector provides on a daily basis to determine if he has sufficient time to look for violations. Mr. Rutledge explained that the division has statistics on local jurisdiction compliance matters, though not all jurisdictions choose to use the services of the BCD Compliance Section.

In the past year, the Oregon Building Officials Association (OBOA) created a task force to work with the division to discuss ways to improve service and processes and to adopt changes to the program. Mr. Rutledge added that, prior to the SB 35 process, the statutes required the division to provide electrical program reviews.

Mr. Soth asked about the frequency of calls to the division from individuals complaining they could not get in touch with the building official, or appropriate personnel, about a particular problem. Mr. Rutledge said the division receives all types of complaints, such as inspectors having difficulty communicating with a building official, but that situation is very infrequent. The division will call the building official to report the complaint and ask him to please have someone contact the individual as soon as possible. Typically, all building departments promptly respond to calls. The division and all building officials believe that customer service is extremely important.

Ray Kerridge asked how the division would interface SB 35 requirements with this board. Mr. Rutledge said that a component of the SB 512 process is the requirement for oversight of Tri-County area providers. The general concept is that the division has scheduled program reviews in the Tri-County area within the next six months and will provide the board with copies of the program review reports. The division will then help develop rules that would appropriately meet the program review obligations of the board in the Tri-County area. Most review content will apply in the future to the Tri-County area, but there are

certain differences from other local jurisdictions in the way the service center office is going to operate. The information included in the current process will probably be applicable, with some adjustments.

This board will make recommendations to the Administrator based upon the reports. The division operates through statutes, administrative rules and codes. The rules developed for enforcement of the SB 512 program will include information relating to program reviews of the Tri-County programs. Mark Long explained that the board will be provided with status and process updates and suggested that the division continue to provide the board with program review information for the next three to six months, realizing that there is an aggressive schedule for other components over the next six months.

Ron Murray asked that the data base information, including fee schedules, be provided to the board. Judy Bauman, a member of the SB 512 Fees Committee, asked about specific review information regarding fees. She asked for the division's recommendations based on its substantive reviews conducted in the Tri-County area over the past two and one-half years and for pertinent information the division has gathered from all jurisdictions. She requested that information be made available before the SB 512 Fees Committee meeting scheduled for January 27, 2000. Mr. Rutledge did not know the exact number of Tri-County jurisdictions the division has reviewed, but he estimated 90 per cent. The division visited 80 jurisdictions regarding the SB 35 process to date. The team looks at the published fee structure of every jurisdiction it visits. Mr. Rutledge emphasized that part of the operating plan a jurisdiction must develop includes fees, and that OAR 918-020 provides a process relating to fees. The local building departments must notify the division whenever fee increases are proposed. That information is also logged.

Ray Kerridge remarked that there are a number of methodologies in use and he understands that the role of this board is to produce a standard methodology. Mr. Rutledge said the review team asks for the jurisdiction's total revenue for the last fiscal year, total revenue for year to date, the revenue for each specialty code, and all direct charges to the building program. The division looks at anything that appears to be inappropriate. It is the local jurisdiction's responsibility to run its own program and to provide good service to its customers, which includes running a well-balanced building program. The division does not specifically get into fee methodology. Regarding fee methodology, it is understood that some components will be used in every fee calculation, but there will be variables. Mr. Cliburn added that methodology involves determining the cost of doing business and the fees to be charged in the various programs to meet those costs. He reported that OBOA is gathering statistics in a survey it is doing on methodologies. Staff will provide to the board in the next board packet, and to the committees, information regarding how many reviews were done in the Tri-County area; available compliance statistics; data base statistics and

breakdown; and copies of operating plans for Tri-County jurisdictions, including fee schedules and codes adopted.

Forrest Soth asked about the differentiation between plan reviews done in-house by local jurisdictions, and plan reviews contracted to a recognized plan consultant. He remarked that there have been cases where the outside plan reviewer is unaware of local requirements. Mr. Rutledge said it generally does not matter to the division who provides plan review. The division is concerned that minimum code provisions are enforced and that a sufficient comprehensive plan review is made when those plans are approved. Also, there may be local planning issues outside of division responsibility.

John Lape encouraged input from users of building department services in future reviews. Mr. Dieter was in accord. Mr. Rutledge agreed that information would be beneficial to the division and to the jurisdiction and could be folded into the process.

## **VII ANNOUNCEMENTS**

A Department of Administrative Services (DAS) half-day orientation for new board and commission members is scheduled for March 14, 2000, in Portland. Another session will be held in Salem in September 2000. More information will be distributed when available. All board members are encouraged to attend one of the sessions. They are to contact the Boards Coordinator before registration.

Board members were reminded to submit their expense forms.

## **IX ADJOURNMENT**

Vice-Chairman Dieter adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Marilyn Benton  
Boards Coordinator/Recorder

### *Exhibits:*

- A. Revised list of Tri-County building departments (Agenda V.A)
- B. Process and Forms Committee meeting notice/roster (Agenda V.C)
- C. Minor Label Committee meeting notice/roster (Agenda V.C)
- D. Fees Committee meeting notice/roster (Agenda V.C)
- E. Program Review Process and Objective handout (Agenda VI)

F. OAR 918-020 (SB 35 - Program Delegation) (Agenda VI)