

State of Oregon

TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD

**Regular Meeting Minutes
May 10, 2000**

MEMBERS PRESENT: Lisa Naito, Chair
Judy Bauman
Sue Blatner
Michael Cliburn
Terry Dieter
Jim Ferris
Jeffery Grunewald
Ray Kerridge
John Lape
Ronald Murray
Forrest Soth
Rob Yorke

MEMBERS ABSENT: Jim Chapman - Excused

STAFF PRESENT: Joe Brewer, Administrator
Mark Long, Policy and Technical Services Manager
Joan-Stevens Schwenger, Service Center Mgr.; Board Secretary
Louann Rahmig, Rules Coordinator
Peggy Collins, Chief of Building Administration
Marilyn Benton, Boards Coordinator/Recorder

GUESTS PRESENT: Kevin Brice, Washington County
Alan Langendorf, Oregon Building Officials Association (OBOA)
David Bylka
Eric Schmidt, City of Gresham
John Muir - Bell Heating, Inc.
Jane Cummins - League of Oregon (LOC)
Brian Krieg - Sheet Metal and Air Conditioning Contractors
National Association (SMACCNA), and
International Brotherhood of Electrical Workers (IBEW) 48
Shawn Miller, Miller Public Affairs - Independent Electrical
Contractors of Oregon (IEC) and Associated Builders and
Contractors (ABC)
Joe Landry, J. Gervais & Associates - National Electrical
Contractors Association (NECA)

Burton Weast, Western Advocates, Inc. - Oregon Association of
Plumbing, Heating and Cooling Contractors (OAPHCC), and
Oregon Fire Marshals Association (OFMA)
Bill Sikora - Plumbing and Mechanical Contractors Association
(PMCA)

I BOARD BUSINESS

I.A Call to Order

Chair Naito called the Tri-County Building Industry Service Board to order at 9:30 a.m. The meeting was held at 8445 SW Elligsen, Wilsonville, Oregon.

I.B Roll Call

Jim Chapman was absent (excused).

I.C Approval of Agenda and Order of Business

Chair Naito **RULED** the agenda approved as mailed.

I.D Approval of the March 8, 2000, Minutes

Chair Naito **RULED** the minutes approved as submitted.

I.E Date of the Next Regularly Scheduled Meeting

June 14, 2000 - 9:30 a.m.
Service Center
123 NE Third
Portland, Oregon

The Service Center grand opening will follow adjournment.

It is expected that the July 19 and August 9, 2000, meetings will be canceled.

II PUBLIC COMMENT

No one indicated a desire to speak.

III STAFF REPORTS

III. A Update on status of the Service Center - Joe Brewer, Administrator

The new Service Center is located at 123 NE Third, Portland, Oregon. The offices are being renovated and are nearly ready for occupancy. Computers and other equipment have been installed. The system to be used beginning July 1, 2000, to track the sale and use of minor labels is being tested.

The telephone number is (503) 872-6731. Calls will be taken beginning May 17, 2000. Contact Joan Stevens-Schwenger to book the conference room. One room seats ten people, and the larger room accommodates 40 people. Marion Peterson has been hired as Administrative Assistant and will begin with the division May 15, 2000. Another staff person will be selected and begin with the division May 21, 2000. Both employees will train at the division for three to four weeks.

The office should be staffed and open for regular business as of June 14, 2000. There will be a Minor Label Program mailing to contractors in the Tri-County area. The Tri-County web page will be launched June 1, 2000.

The Senate Bill (SB) 512 Minor Label Committee is in "semi-retirement" at this point and will resume meetings later this year to discuss minor labels for mechanical installations. The committee wants to evaluate implementation of the minor label process for electrical and plumbing work, which begins July 1, before launching a new activity in the Tri-County area.

The SB 512 Fee Methodology Committee has discussed permit fees for large electronic equipment, which is often one-of-a-kind and off-shore in many cases. Discussion was tabled until the division sets a direction for other issues, such as medical gas and residential sprinklers.

The SB 512 Process/Forms Committee meets monthly. The subcommittees meet weekly.

III. B Updates on Building Codes Division (BCD) Interim Steering Committee and SB 803 (Electrical and Mechanical Board Consolidation Task Force study) - Administrator Brewer

The Interim Steering Committee is an activity authorized by former Director Mike Greenfield to pull together individuals representing a cross-section of industry to look at building codes and how the system can be modified. The committee has decided to deal with many issues itself, rather than to delegate

duties to subcommittees. Mr. Brewer encouraged board members to contact their representatives on the committee to get a first-hand sense of what is going on.

Compliance -

The highest priority issue is compliance. There is a strong interest in having a functional local citation process consistent with the division's Regulatory Services compliance process. If the procedure is straightforward and relatively easy for an inspector in the field to use, that inspector would, with concurrence of the jurisdiction's building official, check licenses and permits and write the citation. This would be a relatively speedy process which would result in moving the violator into compliance and also generate revenue for the jurisdiction. The statute currently allows the revenue to be shared. There is a reasonable amount of interest in either making the compliance process mandatory or providing incentives for jurisdictions to undertake that activity.

The second priority was creation of an integrated data base covering Construction Contractors Board and Building Codes Division registration and license information.

Both proposals can be undertaken through administrative action. However, a data base would require funding.

Code Adoption and Consistency in Code Interpretation -

Statewide code received a vote of confidence. The committee felt it is important for the state to take a leadership role in this process and to drive consistency in code enforcement and code interpretation. This is a change from the past when the focus was on local control. There was reinforcement of the state's role in oversight of construction activities, standards, and how the codes are interpreted.

There is a strong feeling among committee members that codes are changed too often, and that the three-year cycle is too fast. Consideration was given to a six-year cycle, with accommodation of appropriate changes through emergency rulemaking or code adoption on a yearly basis.

There was discussion about the need for regional accommodation, recognizing the fact that construction in Coos County is very different from construction in Harney County, for example. One of the concepts discussed was assignment of an Assistant Chief Inspector/Liaison with each of the identified regions in the state. What is learned about processes that work in the Tri-County area may be modified and made applicable statewide. Not everything done in the Tri-County area would be lifted and applied in other regions of the state. It is important that the regional differences be understood and accommodated.

The next meeting will cover the program assumption process and how the current system may be modified to provide more stability. There is some interest toward moving toward full service.

SB 803 (Electrical and Mechanical Board Consolidation Task Force) -

SB 803 created the Electrical and Mechanical Board Consolidation Task Force. Sixteen members were appointed by the Governor, and one member-at-large was appointed by the Director: There are four representatives each from the Plumbing Board, Building Codes Structures Board, Electrical and Elevator Board, and Board of Boiler Rules.

The first meeting was held May 3, 2000. The task force divided into four groups, with a member from each board in each group, to determine advantages and disadvantages of the current system and advantages and disadvantages of a consolidated board. Similar ideas from each group were combined to obtain the general theme and gain consensus, resulting in the consolidated lists of advantages and of disadvantages.

It is felt that the current system provides representation of the regulated industries. It is inclusive and makes action taken by the division more accepted. There is the strong feeling that the current system provides expertise. The state saves a great deal of money in using its technical volunteer boards as a resource; *e.g.*, electrical contractors' expertise on the Electrical and Elevator Board, Building Officials' expertise on the Building Codes Structures Board, and pressure vessel expertise on the Board of Boiler Rules. It was felt that the expertise should be preserved. The current system allows citizens to participate without making an excessive time commitment. There was concern that a consolidated board would require multiple-day meetings. It was acknowledged that a disadvantage in the current system is the general protection of turf. There was discussion about overlap among the boards; *e.g.*, the Building Codes Structures Board regulates electrical activities in one- and two-family dwellings but the expertise sits in the Electrical and Elevator Board. Also, the Building Codes Structures Board Chair raised the issue that mechanical matters seem misplaced in the Building Codes Structures Board.

The next meeting is May 30, 2000, in Salem. Discussion will be about the organizational and administrative structure for a consolidated Electrical and Mechanical Board, including but not limited to board composition and technical subcommittees.

Mr. Brewer feels at this point there is more interest in fixing the current system than in switching to a consolidated board. The group went through an exercise of considering election of a Chair, but decided to continue with the division facilitator and to later select a spokesperson.

Jeff Grunewald asked what the process would be if there were consensus for a six-year code adoption cycle, and who has the authority to make it happen. Mr. Brewer recalled that the division is required to adopt a statewide code, but that the cycle could be modified administratively. The major concern was frequent changes and how they could be accommodated; *e.g.*, National Earthquake Hazards Reduction Program (NEHRP) recommendations for the structural code. As long as there is the option to deal with those issues through a one-year process, they could be handled through administrative action by the appropriate board or by amendment. Consistency was considered in the discussion on code adoption, with a strong emphasis on training and also on getting design professionals and contractors into the process.

III. C Preparations for the Service Center grand opening - Administrator Brewer

June 14, 2000
Service Center
123 NE Third
Portland, Oregon

The Service Center grand opening will follow adjournment of the regular board meeting.

III.D BCD legislative concepts - Mark Long, Manager, Policy and Technical Services

Copies of the division's legislative concepts were distributed (Exhibit "A") relating to:

- (a) Communications Systems-Permitting and Licensing Requirements;
- (b) Limited Energy Electricians Licenses, Classes A and B; and
- (c) Operating Permit Fees.
- (d) *The legislative concept in Exhibit "A" entitled "Program Assumption" was included in error. The correct item should have been the "BCD Placeholder Concept." Mr. Long explained that the Program Assumption concept related to discussion last March. It was not intended to be carried forward as a concept and was eliminated. It was mistakenly included in the exhibit.*

Also distributed were copies the "BCD Legislative Concepts Summary" (Exhibit "B") outlining the proposals relating to:

- (a) Electrical Communication Systems;
- (b) Limited Electrical Energy License Reduction;
- (c) Boiler Program Operating Permit Fees; and
- (d) BCD Placeholder Concept.

These are concepts to be proposed at the next legislative session. By April of every even year, state agencies need to get their proposals into the system for reviews by their respective departments.

The electrical communication system proposal distinguishes between public and private data cable and telephone communication systems for the purposes of permitting, inspections and licensing and proposes a licensure system for communication system installers.

The limited electrical energy license reduction concept proposes that the current Limited Energy Electrician licenses be decreased from 11 to 2.

The concept regarding boiler program operating permit fees revises statute language to reflect changes to the state-adopted national ASME standards, eliminates requirements for product information no longer available, and converts the fee calculation method from heating surface to horsepower as now required by code.

The placeholder concept provides a placeholder for results of the Building Codes System Interim Steering Committee.

The division is communicating with stakeholders and interested parties to determine if there is any interest in working with the division on these concepts.

Forest Soth did not see anything in the communication systems concept which would infringe on the rights of jurisdictions' franchises and franchise fees. He added that there is a great deal of interest and controversy regarding state and federal legislation about removal of the ability of local jurisdictions to impose franchise or user fees on these communications devices. Mr. Soth wanted assurance that this communication systems concept does not take away jurisdictional rights. Mr. Long said the concept has not reached that level of detail. He will discuss this particular issue with the Chief Electrical Inspector.

Chairman Naito requested that an update on legislative concepts be included on the agenda for the June 14, 2000, meeting.

(Heard out of order)

Ray Kerridge mentioned that during legislative sessions things can happen that either enhance or destabilize matters in process. He asked if there was interest in having a committee, on a routine basis, examine proposed legislation coming out of the Legislative Counsel's office to determine what issues would affect the Tri-County area, the operations of this board, and/or what the board may be considering. Judy Bauman commented that the board is a creature of the legislature and cautioned about the group taking a position on legislative issues. Mike

Cliburn would like reports on legislation that would affect board activities. The board could perhaps serve as a facilitator from an informational standpoint in many instances, but not take positions. Having the information could help the board make better decisions.

Chairman Naito suggested including on the November meeting agenda a list of pre-session bills. In January and February, as legislators go into session, the board could look at proposed bills that would affect what it is doing.

Mr. Brewer said he would have to review the statute in terms of the board proposing legislation but did not recall a specific charge in that area. However, staff updates would be provided.

III.E Update on SB 587 rulemaking - Mark Long

Copies of SB 587 proposed rules updates were distributed ("Exhibits 'C-1' and 'C-2'"). The bill requires municipal building departments to offer builders a third-party plan review option if certain timelines could not be met. The final bill includes provisions regarding building code appeals, plan review timelines and third-party licensing, and also addresses the use of permit fees collected by municipalities. Proposed rules require the following:

- (a) Registration of businesses performing plan reviews and inspections;
- (b) Licensing individuals who perform plan reviews and inspections who do not work for a municipality or the division;
- (c) Monitoring of registered businesses and licensed individuals;
- (d) A process for appealing a building code decision to the appropriate chief inspector;
and
- (e) Establishing jurisdictional timelines for plan review services within their operating plan for both "simple" and "complex" structures.

Implementation of these rules will result in a clear definition of "simple" and "complex" structures so customers can understand which structures are covered by these timelines. Customers will be offered an option when specified timelines cannot be met by the jurisdiction. Licensing and monitoring of third-party plan reviewers and inspectors will ensure accountability and consistency for all specialty codes. The rules will offer an option for building code appeals to the chief inspector. The rules will establish a process for phased permitting and deferred submittals, taking into consideration procedures approved for use in the Tri-County area.

Also distributed were copies of the SB 587 Licensing and Timeline Work Shop Schedule (Exhibit "D"):

May 31, 2000 - 1:30 p.m.
Bend City Council Chambers

June 5, 2000 - 1:30 p.m.,
Ann Basker Auditorium, Grants Pass

June 6, 2000 - 10 a.m.
Eugene City Council Chambers

June 8, 2000 - 1:30 p.m.
Pendleton City Council Chambers

June 13, 2000 - 10 a.m.
(Tri-County area)
Sunnybrook Service Center, Clackamas

Forest Soth referred to the licensing of individuals who perform plan reviews and inspections and do not work for a municipality or the division. They may be from out of state and unfamiliar with local regulations and have a tendency of overlook certain items in plan reviews. Mark Long responded that part of the licensing format in the proposed rules requires individuals to provide a quality control manual and be tested to make certain licensed applicants are familiar with administrative provisions of the state code and the scope of statute and rules, and in an effort to be consistent with local government operations. The framework in statute provides oversight, at whatever level the local building department may wish, to ensure that plans meet code and inspection.

**III.F Housekeeping issues/minor label policies and procedures -
Joan Stevens-Schwenger, Service Center Manager**

Copies of the "Tri-County Label Policy & Procedure Guidelines for Minor Label Fees, Permits, Inspections" were distributed (Exhibit "E"). Ms. Stevens-Schwenger called attention to a change under Item B - Procedure: The corrected language reads: "The contractor attaches the label to the electrical service panel before work begins. If the installation is on a *new construction project* and no electrical service panel exists, the label should be attached directly to the installation. (3)."

Also, to be consistent with current state practice, the signature of the signing supervisor or registered employee shall be on the application, rather than on the label form. See the following listed exhibits:

1. "Tri-County Electrical Minor Label" ("Exhibit "F")
2. "Tri-County Electrical Minor Label Application (Exhibit "G")
3. "Tri-County Plumbing Minor Label ("Exhibit "H")
4. "Tri-County Plumbing Minor Label Application" (Exhibit "I")

The rulemaking hearing was April 18, 2000, and lasted approximately five minutes. There was supporting testimony from OBOA. The deadline has been met.

The implementation date for fee methodology calculation is October 1, 2000. Mike Cliburn cautioned that the initiative requiring a vote on all taxes and fees will be on the ballot in November, some 30 days after the fee methodology rules go into effect. If the initiative passes, it will negate jurisdictions' fee methodology. He suggested requesting advice from the division and its counsel and possibly changing the effective date until January 2001. The board requested advice on this issue.

(Heard out of order.)

Administrator Brewer understood that the board would like informal advice from the Attorney General. He explained that the board would be locked into following advice given in a formal Attorney General's opinion. Administration has been told to continue business as usual. If the initiative passes, in terms of government, there is nothing in the state that will not be impacted. It would have a significant impact on everything, including this board's activities, the division, state government, counties, cities and all local jurisdictions.

Ms. Stevens-Schwenger reminded the board that the rules are to be adopted July 1, 2000, and implemented October 1, 2000. Mr. Cliburn said his county's advice is not to do anything affecting fees at the local level until the result of the initiative is known. Local jurisdictions who comply with the fee methodology change may have to take drastic measures after November if the initiative passes.

Administrator Brewer will seek informal advice and share that information at the June 14, 2000, meeting.

IV COMMUNICATIONS

***Daily Journal of Commerce* article**

An article entitled, "Building Permit Process Eased" by Stephanie Basalyga appeared in the March 24, 2000, edition of the *Daily Journal of Commerce*. The article covered the purpose of the Tri-County Building Industry Service Center ("Service Center") and featured comments by Lisa Naito, Board Chair; board member Sue Blatner; and Joan Stevens-Schwenger, Service Center Manager.

V UNFINISHED BUSINESS - None.

VI NEW BUSINESS

VI.A Fee Methodology Committee follow-up report - Mike Cliburn

Mr. Cliburn does not foresee any meetings until certain items, including medical gas and residential sprinklers, are in code.

VI.B Board approval of standardized permit application forms - Clint Hilman

The forms reflect customer service criteria outlined by the committee and fulfill informational needs of the building departments. The SB 512 Process/Forms Committee and division recommend approval of the electrical, plumbing, mechanical and building permit application draft forms and one- and two-family dwelling checklist draft forms as submitted.

Mr. Hilman distributed copies of the committee's work schedule (Exhibit "J") and report (Exhibit "K"). The Building Officials Task Force, the Commercial Plans Examiner Work Group, and the Building Officials and City/County Administrators Task Force are supporting the committee. The committee sets policy, reviews subcommittee drafts, and then prepares the final proposals for the board's consideration. Modules are being drafted to support each form.

Processes for permits where no plan review is required and for recording inspections have been completed and will be included in the packet for consideration at the next board meeting.

MOTION by John Lape to approve the electrical, plumbing, mechanical and building permit application draft forms and one- and two-family dwelling checklist draft forms as submitted.
MOTION CARRIED UNANIMOUSLY.

Implementation of these forms will be concurrent with implementation of the fee methodology October 1, 2000.

VII ANNOUNCEMENTS

Clint Hilman recommended that the City of Wilsonville be sent a letter of gratitude for the use of its meeting room facilities the past several months.

VIII ADJOURNMENT

Chair Naito adjourned the meeting at 10:53 a.m.

Respectfully submitted,

Marilyn Benton
Boards Coordinator/Recorder

Exhibits:

- A. Copies of the division's legislative concepts relating to:
 - (a) Communications Systems-Permitting and Licensing Requirements;
 - (b) Limited Energy Electricians Licenses, Classes A and B; and
 - (c) Operating Permit Fees.
 - (d) *The legislative concept in Exhibit "A" entitled "Program Assumption" was included in error. The correct item should have been the "BCD Placeholder Concept." Mr. Long explained that the Program Assumption concept related to discussion last March that came out of the division's Field Operations Section to address some of their issues. It was not intended to be carried forward as a concept and was eliminated. It was mistakenly included in the exhibit (Agenda III.D).*
- B. Copies the "BCD Legislative Concepts Summary" outlining the proposals relating to:
 - (a) Electrical Communication Systems; (b) Limited Electrical Energy License Reduction; (c) Boiler Program Operating Permit Fees; and (d) BCD Placeholder Concept (Agenda III.D).
- C-1, 2 SB 587 proposed rules updates (Agenda III.E).
- D. SB 587 Licensing and Timeline Work Shop Schedule (Agenda III.E).
- E. "Tri-County Label Policy & Procedure Guidelines for Minor Label Fees, Permits, Inspections" (Agenda III.F).
- F. "Tri-County Electrical Minor Label" (Agenda III.F).
- G. "Tri-County Electrical Minor Label Application (Agenda III.F).
- H. "Tri-County Plumbing Minor Label (Agenda III.F).
- I. "Tri-County Plumbing Minor Label Application" (Agenda III.F).
- J. SB 512 Process/Forms Committee work schedule (Agenda VI.B).
- K. SB 512 Process/Forms Committee report (Agenda VI.B).