

**STATE OF OREGON**  
**Department of Consumer and Business Services**  
**Building Codes Division**

**TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD**

**Regular Meeting Minutes**  
**June 13, 2001**

**MEMBERS PRESENT:**

Lisa Naito, Chair	
Judy Bauman	Left 10:00 a.m.
Sue Blatner	Left 11:10 a.m.
Jim Chapman	
Michael Cliburn	
Terry Dieter	
Jim Ferris	
Jeffery Grunewald	
Ray Kerridge	Arrive 9:40 a.m.
Ronald Murray	
Forrest Soth	
Rob Yorke	

**MEMBERS ABSENT:**

John Lape

**STAFF PRESENT:**

Joe Brewer, Administrator BCD  
David Greysmith, Manager of Business Services – BCD  
Bob Brown, Tri-County Service Center  
Joanie Stevens-Schwenger, Tri-County Service Center  
Manager and Board Secretary  
Marion Peterson, Tri-County Board Coordinator/Recorder

**GUESTS PRESENT:**

David W. Davies, City of West Linn  
Brian Krieg, NECA/PMCA  
Kevin Brice, Washington County  
Clint Hilman, City of Gresham

## **I BOARD BUSINESS**

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

Chairman Lisa Naito called the Tri-County Building Industry Service Board to order at 9:33 a.m. The meeting was held at NECA, 601 NE Everett Street, Portland OR 97232.

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

John Lape was excused.

**Note:** A greeting card was distributed to the board members for their signatures. The card was to be sent to Marilyn Benton, the division's board coordinator who is ill.

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

Chairman Lisa Naito **RULED** the agenda approved as submitted.

### **I.D Approval of the April 11, Minutes**

Chairman Lisa Naito **RULED** the April 11, 2001 minutes approved as submitted.

### **I.E Next Regularly Scheduled Meeting**

September 12, 2001

## **II. PUBLIC COMMENT**

## **III. STAFF REPORTS**

### **A. Status update from the Program Planning Panel – Bob Brown**

The program planning panel's goal was to review current in-training programs and to develop ten master programs for use by inspectors and plan reviewers by July 1, 2001. The panel asked for and received input from OMOA, OBOA and BCD. The approved master in-training programs are:

- A-level Plans Examiner, and Fire and Life Safety Plans Examiner
- A-level Mechanical Inspector
- A-level Structural Inspector
- One and Two Family Dwelling Structural Plans Examiner
- One and Two Family Dwelling Structural Inspector
- B-level Structural Plans Examiner
- B-level Mechanical Inspector
- B-level Structural Inspector
- One and Two Family Dwelling Mechanical Inspector

The master in-training programs and all their required forms, documents, and evaluations are now approved by the division's policy and technical services section and can be

downloaded from the Tri-County web site. They can also be obtained at the Tri-County office, emailed, or jurisdictions can request a mailing.

The purpose of creating master in-training programs is to provide standard training programs that assist inspectors and plan reviewers interpret and apply the code consistently. The streamlined process eliminates the need for program approval. Planning panel members project that the widespread use of the programs will enhance cooperation and communication among jurisdictions, provide uniformity and quality of programs and their instruction, improve comprehensive monitoring and evaluation of programs with their instructors, and shorten the process of review and approval of trainees and instructors. The center is an authorized proctoring site for applicants who want to schedule a certification exam, information in on the Tri-County web site, and plans to assist jurisdictions coordinate their final field evaluations.

### **B. Update from the Code Consistency Committee – Ron Murray**

The Code Consistency Task Force has finalized membership of the code panels. A written application to serve on a code panel must be received before the applicant will be considered for service. There are still some positions open, primarily engineer and architect positions. The dates and places for the forums are being set as the plan progresses.

### **C. Legislative Update – Joe Brewer**

The Legislature will end its work June 22, 2001.

**HB2152** is a bill that consolidates the limited energy licensing activities of the division creating two categories: "A" level for limited journey level activity and "B" level for minor categories of activity. This bill will streamline the licensing process and make enforcement in the field easier. The bill is going back to both floors with the recommendation from the conference committee to pass.

**HB2153** requires the jurisdictions to submit a plan to the department outlining their compliance programs. The bill is passing.

**HB2912** provides for an alternate means of meeting fire code requirements. It is a collaborative bill between the division and the fire service. The bill addresses residential sprinklers and an alternate means of meeting fire code and building code requirements through residential sprinklers. The bill is passing.

**HB3043** requires residential building designers to register with the Department of Consumer and Business Services. The bill is not progressing.

**HB3611** exempts equipment technicians who assemble the interconnects between pieces of manufactured equipment from having an electrician's license. This bill has a profound effect on the high tech industry and is still moving through the process.

**HB3613** requires full service of new programs, assuming the building inspection activity. It is critical to the first step in changing building code administration. The bill is still being considered.

**HB3833** removes the department of Consumer and Business Services' authority over state building codes. It has not progressed.

**SB5507** and **SB5508** have passed. The Building Codes Division will continue to operate through the next biennium. All of the fees what were proposed in SB5508 were passed except one manufactured housing bill.

Jim Chapman asked if the Tri-County Board could be of assistance with reference to **SB2153**. Administrator Joe Brewer stated that the bill is basically clear and the division anticipates minimal rule making activity surrounding it. The division appreciates the support of the Tri-County Board and would submit the names of any members who would like to serve on the committees involved.

In reference to the Code Consistency Committees, Joe commented that he has been contacted by the Board of Architecture who has a candidate interested in participating in some of the activities within the division. The information will be passed on to Code Consistency Committee chairman, Ron Murray.

Judy Bauman explained that her schedule in the past year has been difficult, as she has had another meeting at the same time as the Tri-County Board meeting. The project has been completed and by the end of the summer break Judy will be free to better fulfill her duty to the Tri-County Building Industry Service Board in the coming year.

Judy left at 10:00 a.m.

#### **D. Compliance Pilot Program Update – Kevin Brice**

Washington County is conducting one of two pilot compliance programs. The City of Bend is piloting the other program. To implement the programs, BCD delegates certain authority to the local building official. Three aspects of the program were discussed: 1) the process, 2) lessons learned, and 3) the future. (**Exhibit "A"**) There are three elements to the overall Washington County Compliance Program including the day-to-day permitting process, a proactive public information system, and the enforcement program.

When the Washington County enforcement pilot program started a year ago, it was first necessary to establish internal county processes to bring systems in place to implement the State Citation Process. Once processes were created, inspectors were trained and policies implemented. Washington County hired a compliance officer to handle program tracking. A database and tracking system was created to record complaints and other

data that has since helped the county assess program weaknesses and strengths in order to make improvements.

Ray Kerridge inquired if existing staff could be used to conduct the program. Kevin pointed out that existing staff is being used; however there was a specific need for a new, full-time position to manage and track the process and its progress. Responsibilities of the position not only include managing the citation and enforcement program, but ensuring proper follow-up when the County receives complaints.

Forrest Soth asked how many complaints were inadvertent because contractors were unaware of code requirements in comparison to deliberate violations. Kevin replied that in most cases, the violation is a result of ignorance. Kevin referred to the data in the exhibit that shows the results of the pilot program as of June 5, 2001. From the builders' standpoint, Jim Ferris commented that the program is helping the builders to do better job and to be more accountable. Failure of displaying a minor label is included in the citations. Repeat violators are referred to the Building Code Division in Salem. Kevin also noted that the state pilot program supplements the county process. The state process has a *bigger hammer* and is faster. Homeowners are normally being cited through the county process. Usually, homeowner violations are a result of their lack of knowledge of code requirements. Homeowners come into compliance very quickly after learning about them.

Kevin also addressed the financial status of the program and noted that the program is too new to assess the financial success. The citation amounts that are coming in are based on a relatively small amount of the actual citations. Kevin estimates that in the future, once the program is established, proposed assessments that will be acquired in actual dollars would be 25% – 30% of the total proposed citations taking into consideration the time lag.

Ray Kerridge asked if the money goes back to the jurisdiction or to the state. Kevin answered that the state receives the first \$94 of every citation paid. In the case of the program not paying for itself, Kevin explained that in Washington County each program (electrical, plumbing and building) is charged a percentage based on how many citations written. At this point it is difficult to estimate the increase in the number of permits being issued which will of necessity increase the workload.

Chair Lisa Naito asked concerning homeowners who do not have work done according to code and then sell the home, is there a system to check for permit violations perhaps through the title companies? Kevin replied that his staff is looking into and following up on providing public information through title companies, property management companies and retailers to reach homeowners with the message that permitting is a safety and quality issue.

Ron Murray inquired concerning the possibility of the Tri-County having a monitoring role for compliance officers in the Tri-County area. Kevin commented that there could be a possibility for this in the future when the program is working in the jurisdictions.

Mike Cilburn suggested that there is a role for Tri-County in the public information aspect and perhaps, in September, the board could have discussion with staff concerning the opportunities.

Administrator Joe Brewer commented that the division intended doing a public information campaign around this concept but unfortunately there is a shortage of revenue. However, the division can revisit and revive the effort using the resources of the agency in the division and partners to help financially.

Kevin concluded with the lessons that Washington County has learned in working out the compliance program. They include learning to find the balance among between being tough, being fair and gracious, without being unreasonable. Program success depends on industry support and staff. The most difficult lesson yet to learn is how to catch flagrant violators.

The compliance program was targeted to end in June 2001 but has been extended to December 31, 2002.

## **E Tri-County Service Center Update and Budget Report** – Joan Stevens-Schwenger

Joan Stevens-Schwenger welcomed the Board and guests to the celebration of the first anniversary of the opening of the Tri-County Service Center.

Joan distributed the matrix outlining the thirteen provisions of mandated by (**Exhibit “B”**) The tasks, including rule writing, were accomplished by deadline with some completed ahead of deadline. The first code consistency forums will begin by the end of July and some of the Tri-County publications have been published and distributed. (**Exhibit “C”**) The first year evaluation of the permit forms is scheduled to include permit techs and front-line users, and should be completed by summer’s end.

Joan began the Tri-County budget report presentation by noting the February 2000 estimated forecast. (**Exhibit “D”**) The Tri-County budget depends on the sale on minor labels. Lots of minor labels cost \$135, including surcharges; \$75 from the sale of each lot of labels is reimbursed to the jurisdiction that performs the inspection. Center expenditures include personnel, services and supplies and overhead charges to state agencies. During the first year, the services and supplies expenditures were high due to the new office set up expenses including furnishings, computer equipment and computer data base development. Tri-County was projected to come in over budget during the first year, but preliminary numbers indicate that the center in “in the black” with an ending balance of \$2,806. Tri-County has a staffing authority for a position to staff the code consistency effort, but will wait till there is enough revenue to cover the cost of hiring staff.

Lisa commented that the report format is difficult to understand and requested a spread sheet style be used and presented in the September board meeting when the actuals for

one year are complete. Lisa also stated that, from her perspective, the forecasting piece of the report is not relevant and that the actuals and projected are what the board is interested in. Administrator Joe Brewer agreed to bring back the information in a more familiar form for the board to understand. The OBOA recently sent a letter to Administrator Brewer recognizing the Minor Label program as a success and requesting the division to develop a statewide minor label program.

#### **IV. COMMUNICATIONS**

- A. The invitation sent to building officials and building departments to the May 22, 2001 BCD sponsored training session on code consistency and dispute resolution.
- B. The June/July issue of NewsFlash.

#### **V. UNFINISHED BUSINESS**

Sue Blatner left at 11:10 a.m.

#### **VI. NEW BUSINESS**

##### **Approval of the Tri-County Commercial Checklist and Process. – Clint Hilman**

Clint Hilman distributed the draft of the Tri-County commercial checklist and process. The checklist was approved unanimously by the Process and Forms Committee after working with industry on a number of adjustments. The committee recommends the approval of the checklist for use in the Tri-County area.

The commercial checklist establishes a guideline for a complete application. The purpose of the checklist is to advance the idea of local industry partnering with industry to provide a built environment that is safe. The checklist is to be used during a pre submittal conference so that both the builder and the jurisdiction can come to agreement on the items necessary for a successful application and plan review. Rather than being the *heavy-handed* regulator, jurisdictions are developing the *partner will work with you* attitude in dealing with commercial building applications.

Ray Kerridge asked for a discussion concerning process of implementing the checklist and questioned if there was enough understanding of the implementation for the board to approve the checklist at this point. Jim Chapman asked if the pre application meeting was part of the commercial application process. Clint replied that the process allows either the builder or the jurisdiction to call for a pre-submittal meeting. The commercial checklist is used at the pre submittal meeting to outline for the customer and the jurisdiction elements of the submittal package that are required, already provided or are not necessary. The checklist gives the applicant a clear picture of any items that must be submitted in order to issue the permit. Mike Cliburn stated that he didn't believe that there is a long implementation period or education period was needed for the jurisdictions. The committee has been working to develop the checklist for over a year. That work has involved a number of plans reviewers from several jurisdictions as well as architectural

firms, engineers, and other industry groups, and that all are familiar with the document and the process through their involvement.

**MOTION by Mike Cliburn** to approve the application checklist with an implementation of August 1, 2001.

Ray Kerridge requested waiting until September for implementation. Mike agreed to a September implementation date for printing purposes, for posting on the web, and for each individual jurisdiction to publicize the information. Jurisdictions may use the checklist prior to September 1, 2001. Rob Yorke verified that ABC and AGC have reviewed the checklist. Committee members have met with plumbers and electricians and the checklist has been discussed widely within industry groups.

**AMMENDED MOTION** by Mike Cliburn to approve the application checklist with an implementation of September 1, 2001

**MOTION APPROVED**

The Process and Forms committee recommended a letter be written by Lisa Naito on behalf of the Tri-County Board to thank the sub-committee for its work preparing the commercial checklist. Joan Stevens-Schwenger will draft the letter for Lisa's signature.

Clint also presented a draft of the permit application matrix for phased commercial and industrial permits. (**Exhibit "E"**) After the matrix is coordinated with the commercial checklist it will be sent out for review and comment.

## **VII. ANNOUNCEMENTS**

The Code Consistency Task Force is meeting June 20, 2001 from 9:30 to noon at the Tri-County Service Center.

The Fee Methodology Rules Advisory Committee will be meeting in late July, early August. There are three fees to determine methodology: medgas, residential fire suppression systems and phased permitting.

**NOTE:** Lisa Naito announced her resignation from the Tri-County Board, effective immediately. Lisa thanked the board for the opportunity she had to work with them but because of her busy schedule she needed to decrease her areas of responsibility.

## **VIII. ADJOURNMENT**

Chairman Lisa Naito adjourned the meeting at 11:28 p.m.

Marion Peterson  
Boards Coordinator/Recorder

*Exhibits:*

- A. Washington County Compliance Program Update (Agenda III.D)
- B. SB512 Tri-County Service Center Status Update (Agenda III.E)
- C. Tri-County Service Center News Flash (Agenda IV.B)
- D. Tri-County Service Center Budget Report (Agenda III.E)
- E. Permit Application Matrix for Phased Commercial and Industrial Permits (Agenda VI.)