

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

TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD

Regular Meeting Minutes

October 10, 2001

MEMBERS PRESENT:

Terry Dieter, Chair
Sue Blatner
Jim Chapman (arrive 10:10 a.m.)
Michael Cliburn
Jim Ferris
Jeffery Grunewald
Ray Kerridge
Ronald Murray
Rob Yorke

MEMBERS ABSENT:

Forrest Soth
Judy Bauman
John Lape

STAFF PRESENT:

Joanie Stevens-Schwenger, Tri-County Service Center
Manager and Board Secretary
Marion Peterson, Tri-County Board Coordinator/Recorder

GUESTS PRESENT:

Kevin Brice, Washington County
Clint Hilman, City of Gresham
David W. Davies, City of West Linn
Mike Hagerty, City of Portland

I. BOARD BUSINESS

A. Call to Order

Chairman Terry Dieter called the Tri-County Building Industry Service Board to order at 9:30 a.m. The meeting was held at the Multnomah Building Board Room, 501 SE Hawthorne Blvd., Portland, Oregon.

B. Roll Call

Forrest Soth was excused.

Judy Bauman and John Lape were absent.

C. Approval of Agenda and Order of Business

Chairman Dieter **RULED** the agenda approved as submitted.

D. Approval of the September 12, 2001 minutes

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

E. Next Regularly Scheduled Meeting

December 12, 2001 @ 9:30 AM

Multnomah Building Board Room
501 SE Hawthorne Blvd.
Portland, Oregon 97214

The November 14, 2001 meeting was cancelled.

MOTION by Mike Cliburn for Tri-County Industry Service Board to meet the second Wednesday of every other month beginning February 2002.

MOTION APPROVED UNANIMOUSLY

II. PUBLIC COMMENT

No person presented public comment.

III. STAFF REPORTS

A. Update on status and rules pertaining to board and committee meeting attendance.

1. Board Attendance Standards.

Joanie Stevens-Schwenger introduced her Memorandum to the Board dated October 10, 2001 re: "Discussion Draft Recommendations for Board and Board Committee

Attendance Standards,” attached as *Exhibit A*. Ms. Stevens-Schwenger concluded that ORS 455.144 allows the Governor to remove a board member for cause, including three unexcused absences. Included with the memorandum is a draft letter to the board members containing the statutory information. Ms. Stevens-Schwenger suggested that once the chair sends the letter, the staff would keep track of board member absences.

Mr. Cliburn inquired about the process to replace removed board or committee members, as both board membership and advisory committee membership must be comprised of representation from different stakeholder segments of the construction industry.

With respect to board membership, Ms. Stevens-Schwenger pointed out that representation is statutorily mandated. The community would make nominations for replacement board members, and the Governor would make new appointments from the nominees.

For unfilled committee positions, the replacement member would be a representative from the same interest group as the removed member.

Ms. Blatner inquired about the existing process for board members to notify the staff when they could not attend a board meeting, what is considered as an excused absence, and whether the member must provide a reason for the absence.

Ms. Peterson replied that, to date a telephone call to the staff by a board member before the meeting has been acceptable notification to excuse an absence. When a board member informed the staff during a board meeting that he would be unable to attend the next meeting, the absence was excused. Ms. Peterson added that technically, the board member should notify the staff in writing in advance. In principle, if a member repeatedly missed meetings, perhaps the member should provide an explanation.

Mr. Cliburn commented that a member’s pre-notification of absence shows respect for the board and the other members. Ms. Blatner agreed that the described formal process for filling board vacancies by the Governor includes stating the facts giving rise to grounds for removal. This process should resolve recurring problems of attendance failure without notification.

The board took no formal action regarding board meeting attendance standards, as existing rules already govern those procedures.

Ms. Stevens-Schwenger added that Chair Dieter would send the letter (in the form included in her memorandum) as a reminder of the policy for removal of board members.

2. Committee Attendance Standards.

Mr. Cliburn added that unexcused absences of committee members from committee meetings were also a concern. The board previously allowed the committee members to appoint alternates.

Ms. Stevens-Schwenger's memorandum includes recommendations about committee attendance: (a) a member's designated alternate could appear for that committee member no more than three times per year; (b) no more than two alternates could attend any committee meeting; (c) three or more unexcused absences would be grounds for removal of committee members; (d) the staff would send the committee members a letter explaining the new attendance standards; and (e) the staff would monitor attendance to allow the board to enforce these standards.

Mr. Cliburn noted that some committees meet far more frequently than the board: on occasion, twice in one month. He was concerned that limiting an alternate's attendance on behalf of the regular member to three times per year could be restrictive. He proposed striking that limitation, and adopting the remainder of the staff's recommendation.

Mr. Dieter encouraged discussion. Ms. Stevens-Schwenger reported that the effectiveness of some committees had been hampered by repeated nonattendance of certain [regular] members, however, as the designation of alternates is a new policy, it has yet to be tested. Limiting alternate attendance to three times per year is merely a proposal.

Both Messrs. Dieter and Kerridge agreed that the three meeting limitation might prove to be restrictive. Ms. Blatner stressed that by accepting an appointment to serve on a committee, a member has the responsibility to regularly attend meetings, excepting illness and scheduled vacations.

Mr. Cliburn suggested that each committee chair evaluate the effectiveness of that committee's operation in light of member absences. Mr. Hilman agreed with *some* limitation of alternate attendance, yet make it dependent upon the frequency of a particular committee's meeting schedule.

Mr. Cliburn reminded the board that many individuals serve on more than one committee, and that he assumed the three per year recommendation was per *committee*. He pointed to the process and forms committee as an example. That committee meets [at least once a month]. On occasion, there are unrelated, yet valid, business reasons precluding the appointed committee member's attendance. Given the busy workload of the process and forms committee, limiting alternate attendance to three meetings per year is not reasonable.

Mr. Grunewald requested clarification as to whether an alternate's attendance at a committee meeting would be considered an excused absence of the regularly committee member. Ms. Peterson responded that the rules governing "excused absences" pertained only to the board. The board established the committees, and the statute and rules to which the board is subject apply the committees. Yet, since Ms. Peterson has been on staff, there has been no requirement for excused absences for committee members.

Ms. Stevens-Schwenger noted that the board prescribes the rules governing the committees. If the board saw fit to establish an "excused v. unexcused" attendance policy for committee members, it would seem that when a committee member sent an alternate to a meeting, it would not be considered an absence.

Mr. Murray suggested that instead of the three meeting limitation for alternates, perhaps the board impose a requirement that a committee member attend a certain *percentage* of meetings. Mr. Ferris mentioned that a limitation on alternate attendance be implemented only if it posed a problem in the future.

MOTION by Chair Dieter to adopt staff's recommendation concerning committee attendance standards with the exception of the three-meeting limitation for alternates.
MOTION APPROVED UNANIMOUSLY

Mr. Dieter acknowledged both Ms. Blatner's position and Mr. Hilman's comments, and reserved the option to reintroduce the limitation on alternate attendance if a problem arises in the future.

B. Report on the Metro Area Structural Engineering Reviewers activities - Mike Hagerty, City of Portland

The Metro Area Structural Engineering Reviewers (MASER), formed in 1999, addresses common structural engineering concerns. MASER occasionally responds to complaints from applicants about requirements imposed by one jurisdiction that are inconsistent with those imposed by one or more other jurisdictions (according to similarly situated applicants in the other jurisdictions). MASER's goal is to discuss common issues and come to some consensus about consistency for the benefit of MASER participants and the public.

Mr. Hagerty introduced *Exhibit B* containing three examples of MASER bulletins and a list of issues that MASER participants research and prepare informational bulletins, which are discussed by the group to come to a consensus. (The group mission statement of MASER is included at the bottom of each bulletin.) Mr. Hagerty stressed that the bulletins are **not** official state interpretations of the state specialty codes; it is up to the jurisdictions to use the information as they see fit.

Mr. Dieter encouraged questions from board members. Mr. Cliburn queried if members of the private community participate in discussion of issues. Mr. Hagerty said that they attend some meetings. Some MASER reviewers are also members of a sub-committee of the Building Codes Structures Board. The Structures Board reviews some of the material developed by MASER, modifies it as the Board deems appropriate and includes it in official pronouncements from the State.

Mr. Cliburn expressed interest in how MASER's information might be integrated through the uniform building code consistency committee, perhaps by establishing a sub-committee for engineering code consistency. He added that his staff has received great benefit from the MASER's work and participation because of the interaction with the engineering community about the proper application of engineering principles and the code. Mr. Cliburn would like to involve the private engineering community in a different role to assist with code consistent interpretations and code consistent standards. He recommended that members of the code consistency committee meet with Mr. Hagerty and other MASER members to explore future collaboration.

Mr. Murray asked about the anticipated benefits of such collaboration. Mr. Hagerty responded that it would reduce duplication of efforts and improve dissemination of information among the private engineering community. He did not foresee any downside from the combined efforts.

Mr. Chapman voiced his approval of the contribution of MASER to uniformity and consistent interpretation and application of code. He encouraged cooperation between MASER and the code consistency committee. Mr. Chapman added that Tom Larsen, (a panelist for the building code forum), and Charlotte Phillips (a panelist for the one- and two-family code forum) are both members of MASER. He recommended that the board consider creating a structural engineering sub-committee. He posed it as a topic for discussion at the next building code forum. He believes that MASER's mission is consistent with the board's goals – consistency and application of the code, and uniform inspection processes throughout the Tri-County area. There is expertise in MASER that the code consistency committee and the forum could take advantage of.

MOTION by Mr. Chapman to have the Board direct the chair of the code consistency task force to invite members of MASER to have a discussion regarding MASER's possible role in code consistency forums in the Tri-County board arena.
MOTION APPROVED UNANIMOUSLY

IV. COMMUNICATIONS

Ms. Stevens-Schwenger reported on Tri-County Service Center publications and articles of interest printed in publications of general circulation in Oregon and the Northwest. (See newsletters and articles attached as *Exhibit C*.)

A. Tri-County Service Center Publications: *News Site* and *News Splash*, September-November, 2001.

The Tri-County Service Center and BCD distributed *News Site*, announcing the building code forum held on October 4.

News Splash announced the plumbing code forum scheduled for October 25.

B. *Daily Journal of Commerce* articles: August 1, August 24, and September 5, 2001.

The DJC continues to announce all code forums. It reports key points from the forum meetings, providing continuity to its readers. Therefore, Ms. Stevens-Schwenger has received numerous e-mails and telephone calls from contractors with questions for upcoming code forums.

C. *Northwest Builder Magazine* article: September 2001 edition.

This trade journal included an article describing Tri-County's efforts to promote public interaction and contribution to code consistency issues.

V. UNFINISHED BUSINESS

A. Approval of the Tri-County Commercial Phased Permitting Matrix and Process – Clinton Hilman, chair, Processes and Forms Committee

Exhibit D is a memorandum from Ms. Stevens-Schwenger to the board recommending adoption and approval of the attached processes and matrix for phased permitting. At the last meeting, the board referred a previous draft back to committee for further discussion and modification. Mr. Hilman noted that the processes and forms committee approved a revised matrix cover sheet and recommends adoption of the process and matrix by the board.

MOTION by Mike Cliburn that the board approve and adopt the Phased Permitting Checklist with an effective implementation date of July 1, 2002.

MOTION APPROVED UNANIMOUSLY

B. Tri-County Procedures for Deferred Submittals for Commercial Projects – Clinton Hilman, chair, Processes and Forms Committee

Mr. Hilman reported that a revised draft of Tri-County procedures for deferred submittals was distributed for comment. He anticipates that the process and forms committee will incorporate comments and adopt a final version of the deferred submittal procedures at its November 6 meeting. The committee would like to present those procedures at this board's December meeting for final consideration and adoption.

VI. NEW BUSINESS

A. Proposal to Assign a New Committee to Develop and Implement a Regional Public Information Campaign – Kevin Brice, Washington County Building Official

At the board's September 12 meeting, Kevin Brice proposed initiating a regional public information campaign to educate the community about the requirements and benefits of building code compliance.

Ms. Stevens-Schwenger submitted a memorandum (*Exhibit E*) recommending that the board assign a new public information committee. Despite individual efforts by jurisdictions to furnish the public with informational brochures describing aspects of code, permitting, and inspection procedures, there has been no coordinated effort to educate the public about regulatory requirements for construction. The service center could facilitate a unified effort by jurisdictions, trade associations and interested parties to deliver a message advocating the positive aspects of using licensed contractors for construction and approved by building inspectors when completed.

Mr. Brice briefly summarized the discussion in the memorandum. He recommended that the board assign a committee to develop and carry out a proactive campaign to promote public education of recommended building practices. He suggested that volunteers serve on the committee, which would regularly report its progress to the board.

He added that several individuals had helped formulate this concept, and displayed a design board illustrating their ideas. Cooperative efforts among experts in the field and the jurisdictions could raise public knowledge of the benefits of building code compliance, including increased safety and elevated property values.

Mr. Dieter asked for an estimate of the time commitment this campaign would require of committee members and the relative duration of the committee's active existence. Mr. Brice responded that this committee would operate differently than the other committees: it would evolve over a long-term period, requiring perhaps monthly "small blocks of time." Much of the members' work would be developing processes and adding new information.

Mr. Dieter directed the recorder to prepare a sign-up sheet for board members to volunteer for the committee, and asked about committee representation other than board members. Mr. Brice reiterated that several different interest groups had helped formulate this public outreach concept, including Tri-County staff, homebuilders and building officials. After the committee is in place and initial processes and strategies developed, it will seek out involvement of other agencies and affected groups.

Mr. Murray added that Local 290 has been talking with Washington County for more than a year about the public education proposal. He believes that the public relationship expertise in the jurisdictions and industry will greatly enhance the effort. Mr. Murray foresees this project as a three-to-five-year plan. He suggested a core committee of five to seven members. Mr. Brice agreed with Mr. Murray that a critical issue for the committee would be to determine to whom and how to target the educational program.

MOTION by Mike Cliburn to form a public information committee to carry out a public information campaign.

MOTION APPROVED UNANIMOUSLY

Chair Dieter asked Mr. Brice for a progress report at the board's December 12 meeting.

VII. ANNOUNCEMENTS

A. Code Forums

1. **October 25:**

Plumbing Code Forum

Sunnybrook Service Center
9101 SE Sunnybrook Blvd.
Clackamas. 4-7 PM

2. **November 15:**

Electrical Code Forum

Gresham City Hall
1333 NW Eastman Parkway
Gresham. 4-7 PM

3. **November 29:**

Mechanical Code Forum

Multnomah Building
501 SE Hawthorne Blvd.
Portland. 4-7 PM

4. **December 17:**

Building Code Forum

Home Builders Association
15555 SW Bangy Road
Lake Oswego. 4-7 PM

B. Committee Meetings

1. **October 24:**

Tri-County Public Outreach Committee Meeting

Tri-County Service Center
123 NE 3rd Avenue, Suite 440
Portland. 9-11 AM

2. **November 6:**

Process and Forms Committee Meeting

NECA
601 NE Everett Street
Portland. 1:30-4:30 PM

C. Board Vacancy – Status of Appointment of Successor

At Ms. Blatner's request, Ms. Stevens-Schwenger reported that John Leeper, a commissioner from Washington County, had been contacted about the vacancy arising from Lisa Naito's resignation. Commissioner Leeper was preparing an application to submit for the Governor's approval.

VIII. ADJOURNMENT

Chairman Terry Dieter adjourned the meeting at 11:30 a.m.

Respectfully submitted,

Laurie A. McCluskey
Acting Boards Coordinator/Recorder (Temporary)

Exhibits:

A. Memorandum - Discussion Draft Recommendations for Board and Board Committee Attendance Standards (Agenda Item III)

B. MASER materials, distributed by Mike Hagerty, City of Portland (MASER member) (Agenda Item III)

C. Communications (Agenda Item IV):

Tri-County Service Center Publications – *News Site* (September—November 2001) and *News Splash* (September—November 2001)

Daily Journal of Commerce articles: August 1, August 24, September 5, and October 2, 2001

Northwest Builder Magazine article: September 2001 edition

D. Memorandum – Phased Permitting Process and Matrix (Agenda Item V)

E. Memorandum – Public Information Committee (Agenda Item VI)