

State of Oregon

TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD

Organizational Meeting Minutes

December 16, 1999

MEMBERS PRESENT: Judy Bauman
Sue Blatner
Jim Chapman
Michael Cliburn
Terry Dieter, Vice-Chairman
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
Joan Fraser, Deputy Administrator
Mark Long, Manager, Policy and Technical Services Section,
and Board Secretary
Andrea Simmons, Hearings Officer/Policy Analyst
Peggy Collins, Building Official/BCD
Gary Basin, Business Services Supervisor
Louann Rahmig, Rules Coordinator
Marilyn Benton, Boards Coordinator/Recorder

GUESTS PRESENT: Representative Dan Gardner
Representative Gary Hansen
Gary Wright, Plumbing and Steamfitters Local 290
Joe Landry, National Electrical Contractors Association (NECA)
John Gervais, National Electrical Contractors Association (NECA)
Gary Lampella, City of Tigard
Michael Nolte, Cities of Molalla/Estacada
Gordon Euler, City of Molalla
Dennis Carney, City of Forest Grove
Alan Seymour, Office of Energy

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final

Robert Gordon, City of Canby

Steve March, Staff Assistant, Commissioner Naito -
Multnomah County District 3
Brian Krieg, PMCA/PACWEST
Grant Zadow, I.B.E.W. #48
David W. Davies, City of West Linn
Shawn Miller, Independent Electrical Contractors of Oregon (IEC),
and Associated Builders and Contractors (ABC)
Kevin Wing, HB AMP
Kevin Brice, Washington County
Bob Shiprack, Building Trades
Jane Cummins, League of Oregon Cities (LOC)
Bill Sikora, PMCA
Sue Ross-Frenzel, City of Wilsonville
Tim Gauthier, National Electrical Contractors Association (NECA)
Gary Thompson, City of Portland
Gordy Euler, City of Molalla
David Bylkas, City of Sherwood
Jerry McKee, City of Hillsboro
Bill Cross, Oregon Building Officials Association (OBOA)
and Building Owners and Managers Association (BOMA)
Alan Langendorf, Oregon Building Officials Association (OBOA)
and City of Lake Oswego

I BOARD BUSINESS

I.A Call to Order

Administrator Joe Brewer, acting as Chairman *pro tem*, called the Tri-County Building Industry Service Board organizational meeting to order at 9:30 a.m. The meeting was held at the City Council Chambers/Annex, 8445 SW Elligsen, Wilsonville, Oregon.

I.B Introduction of Staff - Administrator Brewer (*Taken out of order.*)

Mr. Brewer introduced Deputy Administrator Joan Fraser and division staff attending the meeting.

I.C Roll Call (*Taken out of order.*)

Lisa Naito was absent (excused). All other members were present.

I.D Individual Recognition of Members - Administrator Brewer *(Taken out of order.)*

Board members introduced themselves (underlining indicates position).

Judy Bauman - Public Member
LINK Community Development Corp.

Sue Blatner - Plumbing/Mechanical Contractor
Geo A. Morlan Plumbing and Appliance Co.

Jim Chapman - Residential Contractor
Legend Homes Corporation

Michael Cliburn - County Building Official
Clackamas County

Terry Dieter - Building Owner/Manager
Intel Corporation

Jim Ferris - Electrical Contractor
Red's Electric Co., Inc.

Jeff Grunewald - Fire Protection Agency
Fire Marshal/Tualatin Valley Fire & Rescue

Ray Kerridge - City Building Official
City of Portland

John Lape - Architect/Engineer
John Lape, Architect

Lisa Naito (Absent) - Elected County Official
Multnomah County Commissioner

Ron Murray - Labor Organization/Construction Trades
Plumbers and Steamfitters Local 290

Forrest Soth - Elected City Official
City of Beaverton

Rob Yorke - General Contractor

Yorke & Curtis, Inc.

Mr. Brewer introduced State Representatives Gary Hanson and Dan Gardner.

Representative Gardner is a sponsor of Senate Bill (SB) 512 that created this board. His involvement goes back to House Bill (HB) 3290 that created the task force resulting in SB 512. He added that he is a third-generation electrician with first-hand knowledge of inspection and permitting processes. He encouraged consensus and wished board members well in their endeavors in streamlining permitting and inspection processes in the Tri-County area. **Representative Hanson** thanked the board members for their willingness to serve.

I.E Election of Officers

Administrator Brewer called for election of officers. Mr. Ferris nominated Lisa Naito as Chairman. Ms. Naito had submitted a letter to the board dated December 14, 1999, stating she was willing to serve if chosen (Exhibit "A"). There being no other nominations, nominations were closed and Ms. Naito was elected by unanimous consent.

Ron Murray nominated Terry Dieter as Vice-Chairman. There being no other nominations, nominations were closed and Mr. Dieter was elected by unanimous consent.

(Vice-Chairman Dieter presided over the balance of the meeting.)

I.F Approval of Agenda and Order of Business

Recorder's note: Agenda Introduction Items I.D (Individual Recognition of Members), I.B (Introduction of Staff), and I.C (Roll Call) were respectively moved to follow I.A. There were no substantive agenda changes.)

MOTION by Forrest Soth to approve agenda as submitted.

MOTION CARRIED UNANIMOUSLY.

I.G Function /Purpose of Board; Obligations and Duties of the Board; Relationship to Division - Administrator Brewer

Administrator Brewer explained that SB 512 put this board in place. He remarked that there are over 44,000 jurisdictions in the United States. Major efforts are being made to streamline regulatory processes. Mr. Brewer believes this board will set an example for others to follow. The division has been working with jurisdictions regarding some of the responsibilities the division and jurisdictions face in achieving effective, consistent procedures and processes for the Tri-County area.

Mr. Brewer called attention to the manuals provided each board member. "Sturgis Standard Code of Parliamentary Procedure" governs the procedure of the board in all parliamentary situations that are not otherwise provided for by law or by board rules. The majority of the members of the board constitutes a quorum for the transaction of business. The next Department of Administrative Services' orientation for new board and commission members is March 14, 2000, in Salem. Board members are to contact the Boards Coordinator for further information.

I.H Approval of 2000 Meeting Dates and Meeting Place(s) (Determine Schedule)

Board Secretary Mark Long advised that the division has scheduled meetings at the Wilsonville location at 9:30 a.m. on the second Wednesday of each of the first few months of 2000. The schedule must be coordinated with the schedules of the other five division boards. Future meetings will be held on the second Wednesday of each month, with the location to be determined. The division expects to obtain office space for the service center in the Tri-County area within the next few months.

(Recorder's note: It was later learned that the Wilsonville location is not available the second Wednesday in March 2000.)

I.I Date of Next Regularly Scheduled Meeting:

Date: January 12, 2000
Time: 9:30 a.m.
Location: City Council Chambers/Annex
8445 SW Elligsen
Wilsonville OR

II PUBLIC COMMENT

Alan Lagendorf, Building Official for the City of Lake Oswego and President of the Oregon Building Officials Association, gave an overview of OBOA's activity since the passage of SB 512 and distributed copies of a survey sent to all Tri-County jurisdiction building officials ("Exhibit B"). The information will be analyzed and presented to the board at its February 2000 meeting. OBOA is committed to doing what needs to be done to help this board accomplish its work. Messrs. Chapman and Cliburn asked for a list of affected jurisdictions and respective building officials.

(BREAK AT 10:10 A.M. - RECONVENED AT 10:20 A.M.)

III COMMUNICATIONS - None.

IV UNFINISHED BUSINESS - None.

V NEW BUSINESS - ORGANIZATION/GUIDELINES

V.A Staff Report - Legislative Summary and Status Update - Administrator Brewer

Administrator Brewer gave a brief history of legislation relating to this board. In 1973, the Oregon Legislature set a policy directing that there would be one building code standard in Oregon. HB 3290 created a task force to examine permitting and inspection processes in Clackamas, Multnomah and Washington Counties. The task force examined various activities related to administration of the building codes program and ways to simplify, streamline and clarify administrative processes. Stakeholders were concerned about consistency, uniformity of interpretation, and administrative processes throughout the Tri-County area. The task force reported back to the 1999 Legislature through SB 512 which established this board to develop uniform administration of the building code process across the Tri-County area.

The division will staff the board. Recruitment is in process. Tri-County Building Industry Service Center personnel will include a manager, Program Tech 2, Training Specialist, and an Administrative Assistant. Present division staff have taken on additional work to serve in an interim role. The division web site will be customized for the needs of the Tri-County area.

The intent is for this board to meet at least every three months. However, initially it will be necessary to meet more often. Certain rules are to be in place July 1, 2000. The bill authorizes this board to adopt administrative rules, which require concurrence of the Director of the Department of Consumer and Business Services (DCBS) or his designee.

The bill also provides for funding of the board and service center. A surcharge not to exceed 1% of total permit fees collected in the Tri-County area is imposed. With the approval of the DCBS Director, the board may adopt fees to recover costs. These fees are in addition to total permit fees otherwise imposed. Fees and surcharges are to be sent to the Building Codes Division (BCD). Training funds in an amount not to exceed one-half of the biennial appropriation to BCD for training and education may be used in the Tri-County area.

The board will review local programs under SB 35 authority and may make recommendations to the division.

The board will adopt rules for application across the Tri-County area. The board will appoint advisory and technical committees as needed:

By July 1, 2000

Develop and administer a label program for minor installations.

Develop standard forms and procedures for issuing building permits, reviewing building plans and recording inspections.

Establish standardized criteria and methodology for determining fee amounts for permits.

Maintain and make available to the public names of persons certified to review building plans and persons certified to perform technical inspections.

By January 1, 2001

Review qualifications of persons applying for licensing or certification as an inspector under any specialty code, and certify persons as eligible to sit for examination.

Develop and make available appropriate training for plans reviewers and inspectors.

Administer prepaid permit cost accounts.

By July 1, 2001

Establish within the center sufficient resources to assist local building officials in interpreting the code.

Establish a process to facilitate consistent application of the code within the Tri-County area.

Develop a process for resolving disputes between local building officials and contractors or developers regarding site-specific application of the code.

Three advisory committees are necessary for rules to be adopted by July 1, 2000:

(1) Minor Label, (2) Forms and Procedures, and (3) Fee Methodology.

The division will provide the board with a schedule of reviews that are to occur in the Tri-County area as a part of the on-going municipal review process. A sample review will also be provided.

V.B Announce Board Secretary

Mark Long, Manager of the division's Policy and Technical Services Section, will serve as interim Board Secretary until the manager of the service center is hired.

V.C Basic Organization of Division - Administrator Brewer

Mr. Brewer called attention to the division organization chart included in the board packet. The Tri-County Building Industry Service Center manager will report to Administrator Brewer.

Mr. Brewer emphasized that the division is a provider of last resort and serves only those areas where jurisdictions have chosen not to assume responsibility for a building inspection program. The division does not see itself in any way competing with jurisdictions for that responsibility.

V.D Appoint Rule Advisory Committee - Andrea Simmons, Policy Analyst

Ms. Simmons distributed copies of her December 16, 1999, memorandum summarizing the rulemaking process (Exhibit "C"). Rulemaking is to be conducted in a manner that will provide consistent procedures in an open environment. Participation by all affected parties is encouraged. The board may establish advisory committees, with the membership representing all groups affected by the proposed rules. Final action of committees must be approved by a quorum.

All advisory committee meetings are open to the public. However, the public does not have the right to participate unless invited to do so by the advisory committee chair. Advisory committee recommendations are taken to the board for review and approval for public comment/hearing. Public hearings will be conducted for most rulemaking.

Division staff will support the rule advisory committees of this board.

The current timeline to meet the statutory deadline requirement of July 1, 2000:

12/16/99 - 12/23/99	Appoint advisory committees
1/1/00 - 2/15/00	Committees meet
No later than 3/15/00	Board review/approval
3/15/00	File rulemaking or hearing notice
4/18/00 or 4/20/00	Comments due or hearing
5/10/00	Hearings Officer's report due
6/00	Board approval (to effective 7/1/00)

Staff Recommendation: Staff recommends the board establish three rule advisory committees to address the first phase of rulemaking: (1) Minor Label Committee, (2) Process and Forms Committee, and (3) Fee Methodology Committee. Staff further recommends that the board appoint two board members to serve on each committee, and that the board empower the board members on each committee, working with the division, to appoint the balance of the rule advisory committee. Each rule advisory committee should include a broad representation of affected parties and division staff as appropriate.

Ms. Bauman remarked that she prefers voting over "consensus." Administrator Brewer agreed that consensus in this arena is a goal. However, there will be difficult decisions to make. Votes will be taken and the direction set. He emphasized that the issue that drove the creation of a state-wide code was the variation existing in the Tri-County area. Letters were recently sent to all stakeholders requesting they submit up to ten nominees to develop a pool of willing volunteers for rulemaking or other necessary activities requiring interest and expertise. The list will be shared with the committees.

MOTION by Jeff Grunewald to adopt division recommendation.

Mike Cliburn asked if there is a prescribed limit to the number of board members who may serve on a committee, and whether or not board members may serve on more than one committee. Administrator Brewer advised that the board may determine the number of board members on each committee. He added that there is no policy prohibiting a board member from participating in more than one task group.

AMENDMENT TO MOTION by John Lape that the board appoint **a minimum** of two board members to serve on each committee.

Mr. Grunewald had no objection.

AMENDED MOTION CARRIED UNANIMOUSLY.

The following board members volunteered to serve on the respective listed committees:

Committees:

Minor Label	Blatner, Soth, Ferris
Process and Forms	Lape, Yorke, Kerridge, and Dieter
Fee Methodology	Chapman, Bauman, Cliburn, Kerridge, and Dieter

The committee chair will be elected at the first meeting of each committee. Committee meetings will be held approximately every two weeks. Additionally, research may be required between meetings.

Ms. Simmons said staff would report committee progress at each board meeting; *e.g.*, the final makeup of each committee, information about any meeting held, and scheduled meeting dates and locations. Committee meeting notices and agendas are mailed to all board members and known interested parties. Staff will work with the committees.

Mr. Langendorf invited interested parties to attend OBOA's ongoing process and forms committee meetings beginning at 9 a.m. December 17 at the Wilsonville City Council Chambers/Annex, 8445 SW Elligsen, Wilsonville, Oregon.

Ms. Bauman remarked that the quorum issue is very important and suggested committees be kept small, but that the invitation list be broad so that all stakeholders have the opportunity to participate in the particular subject matter. She feels it is important to allow public testimony at committee meetings, but it must be focused. She suggested holding membership to a maximum of seven individuals on each committee. Administrator Brewer agreed with Ms. Bauman that smaller committees are more efficient. However, inclusion is vital. He feels seven members on a committee, in addition to the board members serving, would be appropriate. Mr. Brewer further advised that it may be appropriate to include division staff as voting members on a committee; *e.g.*, the Chief Electrical Inspector on the Minor Label Committee. Ms. Bauman said that division personnel input is as valid, if not more so, as the input of any voting member. She is in favor of broader public empowerment of the vote.

MOTION by Jim Ferris to limit committee size to a maximum of nine individuals.

Ron Murray recommended that an assigned staff member with technical expertise act as committee secretary and as a non-voting member. Administrator Brewer advised that the Board Secretary customarily serves that function. Forrest Soth agreed that a smaller committee is more productive.

MOTION CARRIED UNANIMOUSLY.

Administrator Brewer advised the board that it may request volunteers from those in attendance. Staff provided sign-up sheets for persons to indicate whether they are willing to serve on any committees, or a particular committee; or if they wish to be included on the interested persons mailing list for meeting/hearing notices.

Board Secretary Long confirmed that staff will schedule committee meeting dates and locations. Various facilities have been offered. The first meetings of each of the three committees will be the first or second week in January 2000. The division suggests that board members on each committee, with division staff assistance, develop the balance of the committees and report back to the board.

VI ANNOUNCEMENTS

Interested persons/subscribers were reminded to complete a "Request for Placement on Mailing List" form provided at the registration table, or to request a form from the division mail specialist at (503) 373-7332.

VII ADJOURNMENT

MOTION by Mike Cliburn to adjourn.
MOTION CARRIED UNANIMOUSLY.

Vice-Chairman Dieter adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Marilyn Benton
Boards Coordinator/Recorder

Exhibits:

- A. 12-14-99 letter from Lisa Naito (Agenda I.E)
- B. OBOA survey form with memo dated 11-23-99 (Agenda II)
- C. Ms. Simmons' 12-16-99 memo re rulemaking process (Agenda V.D)