

State of Oregon

BUILDING CODES STRUCTURES BOARD

Re-Scheduled Meeting Minutes

December 4, 2002

- MEMBERS PRESENT:** Ted Argo, Chairman
Martin Brown, Vice-Chairman
Jim Coughlin
Chuck Day
Bruce Dobbs (New Member)
Lawrence Hite
Dan Kovtynovich
Terry McDonald (New Member)
Raymond Miller, P.E.
Jim Schwager
David Walter
- MEMBERS ABSENT:** Jim Griffith (excused)
Wendie Kellington (excused)
Merilyn Reeves (excused)
- STAFF PRESENT:** Linda Riddell, Interim Administrator for Building Codes Division
Andrea Simmons, Interim Manager of Policy
and Technical Services
Richard Rogers, Interim Structural Program Chief
and Board Secretary
Jim Hanson, Manager of Regulatory Services
Roseanne Nelson, Chief Compliance Officer
Allen Aschim, Chief Compliance Officer
Mike Ewert, Mechanical/One- and Two-Family Dwelling
Code Specialist
Louann Rahmig, Rules Coordinator
Debi Barnes-Woods, Division Boards Coordinator/Recorder
- GUESTS PRESENT:** Alan Seymour, Oregon Office of Energy
Larry Westling, BCD Dwelling/Mechanical Committee Chairman
Pat Bridges, OBIA
Jay Winchester, Washington County
John Caul, OSFM
James Bela, Oregon Earthquake Awareness

I. BOARD BUSINESS

I.A. Call to Order

Chairman Ted Argo called the Building Codes Structures Board to order at 9:00 a.m. The meeting was held at the Building Codes Division, Conference Room "A" 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Jim Griffith, Wendie Kellington, and Marilyn Reeves were all absent, (excused).

Chairman Ted Argo introduced new board member Terry McDonald. Mr. McDonald represents the low-income housing industry and is currently working for St. Vincent DePaul in Eugene.

Chairman Argo also introduced new member Bruce Dobbs. Mr. Dobbs is currently working for NW Natural.

As a courtesy to the new members, Chairman Argo asked the audience, current board members, and staff for introductions.

I.C. Approval of Agenda and Order of Business

Chairman Argo **RULED** the agenda approved as mailed.

I.D. Approval of the Regular Board Meeting Minutes: September 11, 2002

Corrections to the minutes were as follows:

- (1) Page 4 first paragraph should read, "HB 2153 mandates compliance procedures."
- (2) Page 4 paragraph 7 should read, "emergency repair". Same paragraph last sentence should read, "It was then suggested that making a reference to the specialty codes defining emergency would be sufficient and that adding a definition of emergency repair in the Oregon Specialty Code was important."
- (3) Page 4 last paragraph (1) should read, "to define the responsibility of contractors, regarding hiring licensed sub-contractors, and qualified workers", etc.

Chairman Argo **RULED** the regular board meeting minutes of September 11, 2002, approved as amended.

I.E. Date of the Next Regularly Scheduled Meeting

March 5, 2003

I.F. Approval of the 2003 Board Calendar Dates

Chairman Argo **RULED** the 2003 Board Calendar Dates approved as submitted.

I.G. Election of Vice-Chairman

MOTION by Jim Schwager to nominate Martin Brown as Vice-Chairman of the Building Codes Structures Board.

MOTION CARRIED UNANIMOUSLY

II. PUBLIC COMMENT

James Bela shared an article with board members concerning Arc-Fault Circuit Interrupters found in Homebuilders magazine. His main discussion was on the new research for woodframe houses and the changes that would occur in the 2003 International Residential Code. Plate washer size would be changed to 3 inches by 3 inches by ¼ inch for wall anchorage, in Seismic Design Categories D₁, D₂ and C. This would be an affordable way of protecting homes from earthquake damage.

Mr. Bela brought to the board's attention that a review analysis was not available at the public hearing for Oregon's One –and Two-Family Dwelling Code adoption. He added that two items he submitted were not part of the public hearing record.

III. COMPLIANCE REPORT

Jim Hanson, Manager of Regulatory Services briefed the board on compliance activities. The reported compliance cases since October of 2002, were 903 cases. There were 934 cases reported for 2001. He added that 104 hearings requests are pending and 436 cases were resolved through the dispute resolution process. Manager Hanson said compliance outreach is a priority. He has made several visits with staff to contractors at their place of employment to review how compliance works. A program on compliance processes is being developed for local jurisdictions.

Chairman Argo expressed his concern with the amount of hearings requested. The increase was due to continuing education requirements not being met.

III.A. Compliance cases for board review – Roseanne Nelson and Allen Aschim.

- 1. Cascade Heating and Specialties**, was previously before the Board of Boiler Rules for another violation. The division recommended approval of the consent order.

MOTION by Ray Miller to adopt division recommendation.

MOTION CARRIED UNANIMOUSLY

- 2. Robert Klein's** case was removed due to action taken previously by this board.

III.B. Summary of compliance actions previously taken by the division for cases III.B.1 through 29. (No board action required)

Jim Coughlin questioned B.5, 10, 12, and 29. All four compliance cases dealt with permits for commercial roofing. He suggested that tracking the debris from commercial roofs for proper disposal should be reviewed due to environmental regulations in Oregon. He asked if there could be a connection between the permit and the debris disposal.

Manager Hanson said he would discuss this issue with the division for a resolution.

IV. STAFF REPORTS

Chief Rogers briefed the board on current progress made with the different committees developed from the Building Codes Structures Board. He discussed the Energy Committee and the 69 code proposals that would be brought forward at the next meeting. The wireglass issue will be included in the code proposals.

V. COMMUNICATIONS

- A. Hearings Officer's report on Oregon's One –and Two-Family Dwelling Code adoption, for information only. No Board action needed.**

Manager Simmons said the printing for the One –and Two-Family Dwelling Code will be ready for purchasing February 1, 2003, with an implementation date of April 1, 2003. She also distributed copies of the hearings officer's report and all exhibits received at the hearing held September 17, 2002, at Building Codes Division, *Exhibit "A"*.

Jim Bela questioned the purpose of a public hearing. A discussion took place on the process for proposed code changes. Chairman Argo explained to board members that the hearings officer's report is not for board review, it is just for information. The times to address concerns were at committee level and during board review.

- B. Information on appeal issued by the Building Codes Division.**

Chief Rogers was available for questions concerning the appeal issued by Building Codes Division.

VI. APPEALS – None

VII. UNFINISHED BUSINESS

Board approval of HB 2153 hearings officer's report and the policy contained in the penalty matrix.

Manager Simmons explained the intent of HB 2153. Some board members felt uncomfortable with not having authority with proposed rules. Although the Building Codes Structures Board is an Advisory Board, the division values the boards input.

Ray Miller asked if the issues of concern from the last meeting with the proposed rules, and the penalty matrix were resolved. Manager Simmons said that the definition of emergency repairs had gone back to the appropriate committee for preparation of a code change. She said that it would be resolved in Chapter One of the Mechanical Code.

(Break)

Manager Hanson addressed the egregious violator and how compliance applies. Chairman Argo felt that the level of protection for the general contractor was not apparent in the proposed rules. Steve Tucker added that if the intent of rules were clear, problems would not exist when issues develop. All board members agreed.

Manager Simmons reviewed the boards proposed changes for accuracy to Draft 6 HB 2153 Compliance Standards Rules. Proposed change to occur on page 1, (2)(c) order, or directly employee allow or permit an unlicensed individual to perform work, performing or engaging in work that requires a license.

Discussion over the proposed rules took place. Chairman Argo reviewed the options with board members; (1) support Draft 6 of the proposed rules as amended, or (2) not support the proposed rules.

MOTION by David Walter to adopt hearings officer's recommendations with the amendment to (2)(c) "order, or directly employee allow or permit an unlicensed individual to perform work, performing or engaging in work that requires a license."

Roll call vote taken:

Aye: Argo, McDonald, Brown, Coughlin, Dobbs, Hite, Kovtynovich, Miller, Schwager, Tucker, Walter

Nay: Day

MOTION CARRIED

Mr. Day said if a homeowner commits an egregious act unknowingly, the penalty would fall on the homeowner.

Steve Tucker explained that the construction industry does not make the same income as the trades individuals. He asked why are the penalties the same. The legislative intent was to create consistency and uniformity with compliance penalties, processes, and matrixes across all program areas.

MOTION by Martin Brown to adopt the penalty matrix as amended to include “If the violator is a homeowner the full amount of the penalty is stayed.”

Roll call vote taken:

Aye: Brown, Day, Dobbs, Hite, Kovtynovich, Miller, Schwager, Tucker

Nay: Argo, McDonald, Coughlin, Walter

MOTION PASSED

VIII. NEW BUSINESS

Board approval of amendments to Interpretive Rule 97-1.

Ray Miller explained that the interpretive ruling was amended to be consistent with the height of walls. The design of the walls changed in the interpretive ruling as well. He explained that the changes were housekeeping.

James Bela asked if a discussion took place at the Structural Engineering Committee meeting concerning the amendments. The amendments were discussed at three committee meetings, which at the last meeting, the amendments passed for board action. Wood shrinkage was an issue of concern with Mr. Bela. Mr. Miller said issues would not occur if the bolts are properly sized.

MOTION by Jim Coughlin to approve interpretive ruling 97-1 with the Structural Engineering Committees’ recommended amendments.

MOTION APPROVED UNANIMOUSLY.

ADMINISTRATIVE REPORT

Linda Riddell, Interim Administrator for Building Codes Division gave a brief update on positions at BCD. She said that Mark Long accepted a position with the Department of Administrative Services focusing on a Regulatory Streamlining project. Andrea Simmons was appointed Interim Manager of Policy and Technical Services and Jim Hanson has accepted a permanent position as Manager of Regulatory Services. Tom Phillips was appointed Interim Manager of Field Operations, and Richard Rogers is Interim Structural Chief. Ms. Riddell said the recruitment for Administrator of Building Codes is being discussed with industry and Stakeholders.

IX. ANNOUNCEMENTS

- A. The Structural Engineering Committee will meet 9:30 a.m., January 15, 2003, at Miller Consulting Engineers, 9570 SW Barbur Boulevard, Suite 100, Portland, Oregon 97219.
- B. The Energy Committee will meet 9 a.m., December 11, 2002, at BCD's Conference Room "A", 1535 Edgewater NW, Salem, OR 97304.
- C. Structural Code Committee will meet 9:30 a.m., December 18, 2002, at BCD's Conference Room "A", 1535 Edgewater NW, Salem, OR 97304.
- D. The Dwelling/Mechanical Committee will meet 9:00 a.m., August 5, 2002, at OBIA, 375 Taylor NE, Salem Oregon.
- E. The Code Review Committee will meet 9 a.m., August 8, September 12, October 10, November 14, and December 12, 2002, in BCD's Conference Room "A". *Note:* October 10 meeting will be held in Conference Room "C".

X. ADJOURNMENT

Chairman Argo adjourned the meeting at 12:15 p.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Hearing officer's report and all exhibits received at the hearing for the adoption of the 2000 International Residential Code for One –and Two-Family Dwellings, *Agenda Item V.*