

State of Oregon

TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD

Regular Meeting Minutes

February 9, 2000

MEMBERS PRESENT: Lisa Naito, Chairman
Sue Blatner
Jim Chapman
Michael Cliburn
Terry Dieter
Jeff Grunewald
Ray Kerridge
John Lape
Ron Murray
Forrest Soth
Rob Yorke

MEMBERS ABSENT: Judy Bauman - Excused
Jim Ferris - Excused

STAFF PRESENT: Joe Brewer, Administrator
Joan Fraser, Deputy Administrator
Mark Long, Policy and Technical Services Manager and
Board Secretary
Joan Stevens-Schwenger, Manager, Tri-County Building
Industry Service Center
Dana Roberts, Manager Regulatory Services and Statewide
Services
Andrea Simmons, Policy Analyst
Louann Rahmig, Rules Coordinator
Peggy Collins, BCD Building Official
Marilyn Benton, Boards Coordinator/Recorder

GUESTS PRESENT: Shawn Miller, Associated Builders and Contractors
David Davies, City of West Linn
Bob Poskin, City of Tigard
Jane Cummins, League of Oregon Cities (LOC)
Bill Cross, Oregon Building Officials Association (OBOA)
Mark Brown, Washington County
David Bylkas
Martin Brown, City of Wilsonville
Pat Bridges, Oregon Building Industry Association (OBIA)
Brian Krieg, PMCA

Jennifer Fouhy, Washington County
Clint Hilman, City of Gresham
Greg Carlson, City of Portland
Kevin Wing, Home Builders Association
Jay Winchester, Washington County

I BOARD BUSINESS

I.A Call to Order

Chairman Naito called the Tri-County Building Industry Service Board to order at 9:30 a.m. The meeting was held in the City Council Chambers/Annex, 8445 SW Elligsen, Wilsonville, Oregon.

I.B Roll Call

Judy Bauman and Jim Ferris were absent (both excused).

I.C Approval of Agenda and Order of Business

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

I.D Approval of the January 12, 2000, Minutes

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

I.E Date and Location of the Next Regularly Scheduled Meeting

March 8, 2000 - 9:30 a.m.
City of West Linn
22500 Salamo Road
West Linn, Oregon

II PUBLIC COMMENT

No one indicated a desire to speak.

III REPORTS

III. A Update on status of Tri-County Building Industry Service Center - Joe Brewer, Administrator

Administrator Brewer reported that service center office space has been located at 3rd and Couch NE, Portland, Oregon. Opening is expected in April or May 2000.

Senate Bill (SB) 587 charges the division with a number of rulemaking activities related to establishing timelines for plan review, licensing independent third-party plan review and inspection providers, and implementing the "chief inspector" concept, which has been the standard operating procedure in electrical and plumbing. Subcommittees, representing a broad cross-section of the industry, have been formed to address those issues.

Chief Inspector positions will be created within the division for all programs. The intent is to implement the change within the next 60 days. Gary Rutledge, Program Operations Officer, will continue as coordinator for jurisdictional oversight activities.

Effective March 1, 2000, Director Mike Greenfield is moving from the Department of Consumer and Business Services (DCBS) to the position of Director of the Department of Administrative Services (DAS). DCBS Deputy Director Debbie Lincoln will act as DCBS Interim Director and chair the Interim Steering Committee in its review of construction regulation in Oregon.

The Interim Steering Committee has identified key issues of concern, which include compliance, certification and licensing, program assumption and fees, code interpretation, the board consolidation study folded into SB 803 efforts, and partnerships. That committee's next meeting is February 25, 2000. The work is expected to be finished by September to report to the Interim Committee on General Government chaired by Representative Wilson.

The division is working with the Department of Corrections, City of Wilsonville and Washington County on the Women's Intake Center. The division will be doing all of the plan review and electrical inspections in that facility. The City of Wilsonville will handle the remainder of inspections and the permitting process.

The division is currently involved internally in developing legislative concepts. The work must be done relatively soon. The draft legislative concept may be available to this board by the April 12 meeting. Mr. Brewer stressed the importance of the division and this board working together in a coordinated effort on legislative matters.

The division's budget must be completed by August 1, 2000, and the Governor's budget by December 1, 2000.

**III. B Staff Presentation: BCD Compliance System Enhancements -
Dana Roberts, Manager of Regulatory Services Section and Statewide Services
Section**

Comments at recent stakeholder meetings and local jurisdiction and staff interviews reveal that the division's compliance program is not working the way it should. Compliance staff has developed a proposal to make the process more consistent and fair, to encourage compliance, and to ensure timely compliance actions. The division's Assistant Attorney General indicates statutory support for these concepts.

The division requests board comments on the merits of this proposal.

Copies of an outline of the division's current compliance program were distributed (Exhibit "C"). The Regulatory Services Section has two Compliance Officers and four Compliance Investigators. Mr. Roberts explained that cases have been handled "first in, first out." There were 668 new compliance cases in 1999, with an average of 348 cases in the system in any given month in 1999. Administrator Brewer wants to focus on flagrant violators and unsafe conditions and make compliance the best option to continue working.

It is proposed that Regulatory Services staff serve as agents of the boards/Administrator to facilitate resolution of compliance matters. Field inspectors would act as first-level agents. This would enable Building Codes Division staff to concentrate on matters demanding urgent attention and to facilitate resolution. Periodic reports would be made to the respective boards/Administrator about the final outcome of cases before the division. If a case is settled prior to hearing, agents of the board would process that case and report the outcome to the board. The boards/Administrator would approve final orders following hearings and license suspensions and revocations.

A data base would be established. Cross-jurisdictional response teams would be put in place. Referring to the site-built side of the code, local jurisdictions administer over 95% of the code, and the division administers 5%. There would be an education program for local jurisdictions. Mr. Roberts said he would prefer that local jurisdictions collect the assessments and remit to the division. Mr. Soth asked whether local jurisdictions' counsels would have an opportunity to review and comment on model forms. Mr. Roberts said that, initially, the local jurisdiction would have the option of following the division's system or using its own.

Mr. Cliburn believes there is an opportunity for partnering between the state and local jurisdictions to reach a uniform compliance program, which may be elevated from the local level. He remarked that if there are additional staff responsibilities assigned, as suggested, more personnel with accompanying funding would be necessary.

Dana Roberts agreed. In using the state process, the penalty for violation could go up to \$5,000 for electrical and plumbing issues. Mr. Cliburn emphasized that he would like to see some partnering in legislation that creates a broader scope of compliance, adding that Clackamas County attorneys advise that Clackamas County personnel can act as agents on the electrical and plumbing portions only. Mr. Roberts said the issue could be clarified by putting in place a rule where the Administrator also gives authority to act as his agent for structural and mechanical.

Ms. Blatner asked for clarification. Mr. Roberts explained that a violator has the opportunity to request a hearing, either before the board or the Administrator. If there is no request for hearing, the local inspector and division staff will work with the individual to determine how that individual could best follow code and agree to comply in the future. Ms. Blatner commented that this process could lighten the load for the respective boards. Mr. Roberts said that over half of the people know and agree that they have violated, want to know the outcome, and want to know how to avoid future noncompliance. Out of the 600 hearing cases filed each year that actually go to contested case hearings, the count is only 25 or 30 cases a year.

Mr. Roberts said there are no proposed fee increases. If the board prefers uniform and consistent compliance penalties across all code areas, it would be necessary to go to the legislature. Otherwise, administrative rule would be appropriate. Mr. Roberts has talked, or will be talking, to the various boards, the Central Oregon Building Officials Association, and interested parties.

(BREAK)

IV COMMUNICATIONS - None.

V UNFINISHED BUSINESS

V.A Presentation of board-requested information from January 12, 2000, meeting - Mark Long, Policy and Technical Services Section Manager and Board Secretary

Mr. Long distributed notebooks entitled "Tri-County Op(erating)-Plan" (Exhibit "A") and "Tri-County Fees" (Exhibit "B"). They contained information about building department services, program reviews, and operating plans within the Tri-County area. A jurisdictional directory is included in the "Tri-County Fees" manual.

It is intended that much of this information will be on the Tri-County Building Industry Service Center website.

Mr. Long advised that new advisory group sign-up sheets for the two pieces of legislation that need to be enacted by January 1, 2001, will be on the agenda for the next meeting. Those issues essentially cover (1) licensing and certification and (2) implementation of prepaid permit cost accounts.

VI NEW BUSINESS

VI.A Status update from each rule advisory group - Joan Stevens-Schwenger, Manager, Tri-County Building Industry Service Center Committee Chairmen: Clint Hilman, Forrest Soth, Michael Cliburn

Ms. Stevens-Schwenger said the three advisory groups have kept a very aggressive schedule. They will be asking the board for authorization to continue discussion past the July 1 deadline. Rulemaking thus far has focused on general guidelines.

Senate Bill 512 Process/Forms Committee - Clint Hilman, Chairman:

Mr. Hilman reported that the committee has met four times. It has been well attended by all committee members and many interested parties. The concept is that the forms would not be included in rule. Forms would be drawn and approved by the board and could be amended as appropriate. Draft forms will be presented to the board for review at the next meeting. Processing and inspection issues are more complex and will require more time.

Senate Bill 512 Minor Label Committee - Forrest Soth, Chairman:

Mr. Soth reported that the committee is proposing one label for electrical and one label for plumbing in the Tri-County Area. The Tri-County Building Industry Service Center would issue the labels and handle the accounting. Inspections would be funneled through the service center which would have an up-to-date map of the area. Labels would be issued ten per sheet. When the sheet is completed, it would be returned to the service center. One of the ten jobs on the sheet would be inspected. Electrical requires only slight changes. Plumbing requires consolidation. Most of the work can be accomplished through rulemaking.

Senate Bill 512 Fee Methodology Committee - Michael Cliburn, Chairman:

Mr. Cliburn said the committee is simplifying fee methodology for new one- and two-family construction before moving into calculations for commercial and remodels. The committee has agreed on fee methodology for one and two-family construction for plumbing based on number of bathrooms. There would also be permit fee packages. The committee has agreed on mechanical and will continue to address other methodologies, including methodologies for one- and two-family structural.

Ms. Stevens-Schwenger said the division is looking into use of the Internet to help contractors, industry, building officials, inspectors and interested parties and to make conducting business easier for everyone. Proposed rules will be included in the next board packet.

VII ANNOUNCEMENTS

VIII ADJOURNMENT

Chairman Naito adjourned the meeting at 11:30 a.m.

Respectfully submitted,

Marilyn Benton
Boards Coordinator/Recorder

Exhibits:

- A. Tri-County Op-Plan Notebook (Agenda V.A)
- B. Tri-County Fees Notebook (Agenda V.A)
- C. Outline of Compliance Program (Agenda III.B)