

*This a Draft*

**State of Oregon**

**TRI-COUNTY BUILDING INDUSTRY SERVICE BOARD**

**Regular Meeting Minutes**

**September 13, 2000**

- MEMBERS PRESENT:** Lisa Naito, Chair  
Judy Bauman  
Sue Blatner  
Jim Chapman  
Michael Cliburn  
Terry Dieter  
Jim Ferris  
Jeffery Grunewald  
Ronald Murray  
Forrest Soth  
Rob Yorke
- MEMBERS ABSENT:** Ray Kerridge - Excused  
John Lape - Excused
- STAFF PRESENT:** Joe Brewer, Administrator, Building Codes Division (BCD)  
Mark Long, Manager, Policy and Technical Services  
Andrea Simmons, Policy Analyst  
Joanie Stevens-Schwenger, Manager of Tri-County Service Center  
and Board Secretary  
Richard Rogers, Fire Life Safety Specialist  
Bob Brown, Training Coordinator  
Marilyn Benton, Division Boards Coordinator  
Marion Peterson, Tri-County Board Coordinator/Recorder
- GUESTS PRESENT:** Larry L Westling, Northwest Natural  
Alan Seymour, Oregon Department of Energy (ODOE)  
Stan Scotton, Office of Planning & Development Review (OPDR)  
Joe Landry, National Electrical Contractors Association (NECA)  
Kevin Wing, Home Builders Association of Metropolitan Portland  
(HBAMP)

## **I. BOARD BUSINESS**

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

Chairman Lisa Naito called the Tri-County Building Industry Service Board to order at 9:43 a.m. The meeting was held at the National Electrical Contractors Association (NECA), 601 NE Everett Street, Portland, Oregon.

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

John Lape and Ray Kerridge were absent (excused).

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

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

### **I.D Approval of the June 14, 2000 Minutes**

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

### **I.E Approval of Board Meeting Dates for 2001**

Chairman Naito **RULED** the 2001 board meeting dates approved as submitted.

### **I.F Date of the Next Regularly Scheduled Meeting:**

October 11, 2000 - 9:30 a.m.  
Tri-County Service Center  
Convention Plaza Conference Room 150  
123 NE 3<sup>rd</sup> Avenue  
Portland, OR 97232-2901

## **II. PUBLIC COMMENT - None.**

## **III STAFF REPORTS**

### **III.A Status report on BCD Steering Committee – Joe Brewer, Administrator, Building Codes Division (“BCD”; “division”)**

Copies of the Building Codes System Interim Review Committee’s report were distributed (**Exhibit “A”**). Administrator Brewer pointed out that this document has been created to provide a report to the Legislature, its purpose being to evaluate the entire building code system in the State of Oregon. It involved a series of meetings gathering

stakeholder and customer input, as well as representatives of almost every organization having an interest in the activities of the committee. In a six-month period the committee has worked through four issues: compliance, consistency of code interpretation, certification of inspectors and building officials, and the role of government.

Mr. Brewer also noted that Debbie Lincoln, Deputy Director, Department of Consumer and Business Services (DCBS), is committed to running a consensus process. To date, the members of the committee have met half of the stakeholder groups. The committee has prepared 13 recommendations. This document will be presented to the interim committee of the House Committee on General Government this month. The division will report back to this board with the final product to be taken forward.

Committee recommendations include:

1. Support the division's compliance programs, including allowing local jurisdictions to write tickets, collect fines and civil penalties. There is a compliance pilot program in place in Washington and Deschutes Counties testing two different concepts with the purpose of making the complete compliance process more timely and efficient.
2. Require local jurisdictions that assume programs to ensure compliance in the performance of their duties. Compliance activities are to be conducted in the normal course of business on a consistent basis statewide.
3. Provide for consistent penalties across trades where licenses are required and provide that consistent licensing category be created. In the field it is difficult to determine who is authorized to do specific areas of work. This hinders consistent compliance.
4. Develop web-based, model reference tools for inspection and building plan review to provide more consistent administration among jurisdictions by providing common permitting and other forms on the web for use in all regions.
5. Require code citations on all inspection reports. The proposal is that, unless the inspector can site the section of code that has been violated, it is an inappropriate correction and should not be written.
6. Develop intermediate actions when problems are uncovered through the jurisdictional oversight process and random plan review audits. Since there is only one tool for this, which is to revoke the program, there should be a range of alternatives that could be undertaken to try to effect a change within the jurisdiction where problems have been uncovered. The division is working on a proposal that will be taken to the September 29 steering committee meeting. Tri-County Board members are also welcome to give any recommendations.
7. Develop apprenticeships for structural/mechanical inspectors, building officials and plans examiners as one alternative for developing qualified staff. The addition of

continuing education for journeyman apprentice (electrical and plumbing) dealing with inspector responsibilities will lead to a career as an inspector.

8. Recommend that local jurisdictions meet with contractors prior to beginning large or complex projects to ensure understanding of code requirements.

9. Provide code update continuing education training for general and mechanical contractors, architects, building designers and engineers. Training and knowledge will be the focus in the next few years in order to reach the goal of consistency and compliance.

10. Propose that the division assign liaison representatives in jurisdictions across the state, recognizing regional differences. A fiscal impact statement is being put together so the cost of the resource can be determined.

11. Integrate Building Codes Division (BCD) and Construction Contractors Board (CCB) databases of licenses, permits and compliance actions available on the web; provide data dumps to jurisdictions.

12. Develop a criterion that must be met before a local jurisdiction can assume a building inspection program. Tri-County Board's input is welcome.

13. The committee foresees that a consistent e-commerce permitting system will resolve some issues of distance, consistency and access.

### **III.B Status reports on Senate Bill (SB) 587 and Senate Bill (SB) 785 rulemaking - Mark Long, Manager, Policy and Technical Services**

**SB 587:** The rulemaking process is completed. Phase 1 encompassed appeals and set time lines for residential plan review, effective July 1. Phase 2 encompassed licensing and becomes effective October 1. To date, the division has licensed four businesses to provide third party plan review and inspection services on behalf of jurisdictions and/or contractors. There are ten additional businesses in the process to receive approval before October. Through this effort of providing a mechanism for licensing, other entities can also be encouraged to participate in these activities.

A list of licensees will begin to be available the week of September 18, 2000, and will be provided every two weeks to jurisdictions throughout the state. The list will also be available on the web site. Appeals have been expanded to include all the program areas. To date, there has been one appeal. When it is finished, the result will be published on our web site.

Jim Chapman observed that builders have problems with outlying jurisdictions trying to short-circuit the simple designation for the time frames in SB 587. Mark Long agreed and commented that there is a process to address these areas formally and they can be

appealed. Additional SB 587 workshops can be provided, if desired, in order to expose some of these issues and bring all jurisdictions into consistency.

**SB 785:** SB 785 addresses certification and asks the division, through the committee process, to look at the alternative of experience for applicants trying to meet inspector qualifications. The SB 785 Rulemaking Advisory Committee drafted consensus points. It is now in the process of taking those points, having rules drafted, and then getting those rules back for confirmation. The goal is to have something adopted in October or November with an adoption date.

Forrest Soth inquired if it is in the plan to use community college programs. Mr. Long said the committee is looking at several different areas: college programs, existing apprenticeships, experience, in-training programs, and the possibility of doing a practicum to prove qualification in order to take the test.

### **III.C BCD Legislative Concepts - Mark Long, Manager, Policy and Technical Services**

The division is supporting three concepts:

1. Addressing the boiler program. This is an adjustment of the fee table and how fees are calculated.
2. Reduction in electrical licensing from eleven to two.
3. Providing a structure for the telecommunication industry.

The division is waiting for a draft with specific language to come out of the Office of Legislative Counsel and then it will look at the draft to make sure it is consistent with division concepts. The division should have a final product from counsel around November. There will be continued meetings with stakeholders to determine areas of agreement and areas that need to be addressed. The division's deadline is December 15, 2000.

### **III.D Status report on Tri-County minor label program and rule advisory committee on minor labels - Forrest Soth, Chairman, SB 512 Minor Label Committee**

This program has succeeded beyond the departments' projections. The Service Center has sold 4600 minor labels to date: 990 plumbing and 3700 electrical. The Service Center is working in cooperation with all the jurisdictions involved in the administration. Because of the early success of the one- and two-family dwelling minor label, the committee recommended extending the electrical portion of the minor label to commercial. Mr. Soth drew attention to the article in the board packet from the July 5, 2000, issue of the *Daily Journal of Commerce*.

Jim Ferris inquired concerning the success in the Service Center's inspection process. Joanie Stevens-Schwenger responded that 53 inspection requests have been sent out by the center and 26 reports have returned. The center is developing internal procedures for jurisdictions and there has been a high success rate in inspections. The turn-around time has been approximately two weeks. There have been a few failed inspections, which is causing the center to develop other areas in its procedures. The center is ready for its first financial interactions with the jurisdictions.

Andrea Simmons, Division Policy Analyst, distributed the temporary rule (**Exhibit "B"**) that was filed August 15, 2000, to enact the commercial portion of the minor label program. Timeline: Temporary rule effective 8/15/00-2/10/01; Tri-County Board approve for permanent rulemaking 10/11/; file notice 10/13; hearing 11/12; board packet due 12/15; report to board 1/10/01; file permanent rule effective 2/1/01.

### **III.E Status report from the rules advisory committee on fee methodology - Mike Cliburn, Chairman, SB 512 Fee Methodology Committee**

At the June 14, 2000, board meeting, Don Minor, Oregon Manufactured Homes Association, asked the Fee Methodology Committee to look at the rule that standardized calculation of fees for siting of manufactured homes. The Fee Methodology Committee met on July 12, 2000, and reached consensus on an amendment to that rule (**Exhibit "C"**). The rule establishes a single permit fee for the siting of a manufacturing home.

Andrea Simmons informed the board that this rule is a temporary rule. Time line: Temporary rule effective 10/1/00-3/29/01; Tri-County Board approve for hearing 10/11; file notice 10/13; hearing 11/21; hearing officer's report due for board packet 12/15; Tri-County Board approve permanent rule 1/10/01; file prior to 3/29/01 expiration date.

Judy Bauman inquired if the system has the capacity to cross-reference an applicant to the minor label record and back to a compliance record if that party has more than one difficulty and yet applies for a sheet of minor labels.

Joanie Stevens-Schwenger explained that, concerning field inspections, the jurisdiction deals with compliance issues individually. The Service Center only passes on the information. The center plans to send a quarterly list of those who have done work in each jurisdiction and whether they have passed or failed. This will alert the jurisdiction about who has been working in their area and what to watch for. Cross-referencing information is not available at this time, although the center checks that the CCB license is current before selling labels.

Ms. Bauman expressed concern that the person who obtains a permit and the person who actually does the job may be different persons and may not be qualified. Communication between jurisdictions/levels is necessary. Failing to comply should carry a stiff

consequence. Information concerning these failures should be available to the jurisdiction.

Jim Ferris stated that there is a mechanism built into the program for inspections that continually fail. In those cases, the contractor will be denied the use of the minor label process. When an inspection fails three out of ten labels, the entire ten will be inspected. When failure occurs two times in a twelve-month period, the contractor will be denied the use of minor labels for one year.

**III.F Status report from rules advisory committee on forms and processes -  
Clint Hilman, Chairman, SB 512 Process and Forms Committee**

Mr. Hilman presented to the board the Power Point presentation that is being taken to industry groups for their information and for the understanding of their involvement. The building officials and Administrator's task force that has met to formulate these processes and forms has assisted this committee. Work groups have included industry input. Industry and other interested parties are now being targeted in order for the committee to receive comments on these processes and forms. Standardized processes are being developed for issuing phased permits and deferred submittals. Later, a process for issuing over-the-counter permits that do require plan review and resolving code interpretation and process issues will be developed. Permit application forms will become effective October 1, 2000. A commercial intake flowchart has been developed, and the main emphasis at this point is the commercial intake checklist and the commercial checklist explanation modules (**Exhibit "D"**).

This industry briefing presentation has been given to the electrical contractors at NECA and they have reviewed the checklist and have come back with comments that will in turn be reviewed by the committee and be incorporated. The modules for phased permitting contains everything needed to start a project and can stand alone as issued (**Exhibit "H"**). Another process for discussion is deferred submittals, which will be a challenging area in which to obtain industry agreement requiring extensive debate and discussion (**Exhibit "E"**). Board members were asked to provide the committee with information concerning any other interested party that should be targeted for a briefing (**Exhibit "F"**). Timeline: Final draft approved by the committee, 10/31/00; board packet 10/13/00; board approval 12/13/00; implementation 3/1/00 (**Exhibit "G"**).

Outcome of standardization:

- (a) A greater consistency throughout the region.
- (b) Faster processing times, especially when using a complete submittal.
- (c) Phased and deferred processes will build flexibility in the plan review and permitting process.
- (d) Cost savings.

*Judy Bauman was excused at 10:50 a.m. during Mr. Hilman's presentation and was not present for consideration on this item or for the balance of the agenda.*

## COMMUNICATIONS

- IV.A June 7, 2000, news release on the Service Center's open house.
- IV.B Letter to Building Officials and Permit Managers, June 27, 2000.
- IV.C *Daily Journal of Commerce* article, July 5, 2000.
- IV.D Letter to Tri-County Building Officials, August 17, 2000.
- IV.E Letter to Mayor Becker of Gresham, August 17, 2000.
- IV.F August 21, 2000, news release on standardized fee methodology.

## BREAK

## V. UNFINISHED BUSINESS

### **Approve Qualification Review and Training Task Force recommendations - Stan Scotton, Chairman, Tri-County Qualification Review and Training Task Force**

SB 512 authorizes the division/Tri-County to provide training to building inspectors and plan reviewers in the Tri-County area. The bill also contains language pertaining to review of qualifications of individuals applying for inspector certification in Clackamas, Multnomah and Washington Counties. The division/task force recommends the board approve the submitted recommendation. The recommendation involves ten specific items, a mission statement and a statement relating to review of applications for certification.

The mission statement reads: To consolidate, streamline and make readily available to A-level, B-level, and one- and two-family dwelling structural inspectors, mechanical inspectors and plans examiners approved in-training programs and related services in the tri-county region.

The ten specific recommendations are:

1. Establish a rules advisory committee to draft administrative rule amendments to identify a process by which a Tri-County individual denied certification as a structural or mechanical inspector or plans examiner can request Tri-County Board review.

The task force recommends that the Tri-County Service Center, in partnership with industry and local jurisdictions:

2. Identify in-training programs available for A-level, B-level and one- and two-family dwelling structural inspector, mechanical inspector and plans examiner.
3. Select the best program from those available and obtain division approval for the programs for use by Tri-County jurisdictions.

4. Authorize the Tri-County Service Center to coordinate with the division to enroll participants in the programs and approve instructors and courses for the programs.
5. Authorize the Tri-County Service Center to coordinate with the division to approve participants' completion of programs, approve field evaluators and authorize field evaluations.
6. Authorize the Tri-County Service Center to organize, coordinate and monitor field evaluations.
7. Authorize the Tri-County Service Center to provide testing facilities on-site, grade tests and provide participants with results.
8. Have Tri-County Service Center coordinate with the division to monitor and evaluate the programs to ensure quality and to collect information to improve programs.
9. Have Tri-County Service Center report findings and make recommendations to the Tri-County Board for the improvement of the programs.
10. Establish a "planning panel" of experts, including the State Structural Chief, to work with Tri-County/division staff on an implementation proposal that includes a funding mechanism or cost recovery mechanism and report back to the board by December 13, 2000.

Jeffery Grunewald inquired about the connection between SB 785 and the task force recommendation process. Mark Long explained that SB 785 establishes criteria for an inspector to qualify, with a required amount of experience. The task force recommendation process looks at how to provide the best training and provide consistency, and also looks at how evaluation occurs if an applicant is denied.

**MOTION by Forrest Soth** that the recommendations of the Qualification Review and Training Task Force be approved.

**MOTION CARRIED UNANIMOUSLY.**

Andrea Simmons advised that sign-up sheets were provided for individuals to volunteer to participate on the Planning Panel (item 10).

Joanie Stevens-Schwenger recommended that the Qualification Review and Training Task Force be re-appointed as a Rules Advisory Committee to draft rules defining the review process for denied applications (item 1).

**MOTION by Jeff Grunewald** to re-appoint the Qualification Review and Training Task Force as a Rules Advisory Committee to draft the rules defining the review process for denied applications.

**MOTION CARRIED UNANIMOUSLY.**

*Recorder's Note: Tri-County Qualification Review and Training Task Force members are:*

*Jeffery Grunewald - Board Member*

*Jim Ferris - Board Member*

*Sue Blatner - Board Member*

*Ronald Murray - Board Member*

*Alan Langendorf - City of Lake Oswego*

*Stan Scotton - City of Portland*

*Martin Brown - City of Wilsonville*

*Linda Lindsten - Oregon Association of Plumbing, Heating and Cooling Contractors (OAPHCC)*

## **VI. NEW BUSINESS**

**Approve Manufactured Home Siting Permit application form -  
Clint Hilman, Chairman, SB 512 Process and Forms Committee.**

Clint Hilman recommended that the Manufactured Home Siting Permit application be approved for use.

**MOTION by Forrest Soth** to approve the Manufactured Home Siting Permit application as submitted.

**MOTION CARRIED UNANIMOUSLY**

## **VII. ANNOUNCEMENTS**

## **VIII. ADJOURNMENT**

Chairman Naito adjourned the meeting at 11:25 a.m.

Marion Peterson  
Board Coordinator/Recorder

*(Cont'd next page - exhibits)*

*Exhibits:*

- A. Draft, for discussion only, Building Codes System Interim Review Committee's recommendations (Agenda III. A)
- B. Temporary Administrative Rule amendment 918-050-0500 (Agenda III. D)
- C. Manufactured Home siting permit/temporary rule language 918-050-0130 (Agenda III.E)
- D. Commercial Application Checklists, Modules 1-10 (Agenda III.F)
- E. Draft (for discussion only) Tri-County checklist committee's recommendations for Deferred Submittals (Agenda III.F)
- F. Sub-Committee on Process and Forms work schedule (Agenda III.F)
- G. Industry Briefing on the Commercial checklist schedule (Agenda III.F)
- H. Phased Permit Commercial Checklists (Agenda III.F)