Building Codes Structures Board
Regular meeting agenda
Wednesday, February 1, 2017, at 9:30 a.m.
Conference Room A
Board meetings are broadcast live via the Internet at
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I. Board business
   A. Call to order
   B. Roll call
   C. Approval of agenda and order of business
   D. Approval of the November 2, 2016, board meeting draft minutes
   E. Date of the next regularly scheduled meeting: May 3, 2017

II. Public comment
This time is available for individuals wanting to address the board on non-agenda items only. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See “Issues to remember when addressing the board” at the end of this agenda.)

III. Reports
Program update:
   ▪ Discuss Building Codes Division’s effort to identify items in the Fire Code that belong in the Building Code

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business - None

VIII. Announcements - None

IX. Adjournment
Issues to remember when addressing the board:

- All public participation is subject to the discretion of the Board Chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The Board Chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the Chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards coordinator prior to the start of the meeting and, when possible, staff respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact Debi Barnes-Woods at 503-378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

**Note:** For information regarding re-appointments or board vacancies, please visit the Governor’s website.
Building Codes Structures Board
Draft minutes
November 2, 2016

Members present: Dan Carlson, building official
Stephen Forster, fire protection agency representative
Bill Kisselburgh, building trade representative
Gregory Nelson, energy supplier
Eric Sandoval, architect
Ted Wenk, disabilities commission representative

Members absent: Rene Gonzalez, three-plus stories general contractor
Thomas Sjostrom, owner/manager of commercial office building
Vacancy - Heavy industry construction contractor

Staff present: Katharine Lozano, assistant attorney general, Department of Justice
Mark Long, administrator, Building Codes Division
Brett Salmon, manager, Policy and Technical Services
Richard Rogers, chief building official, Policy and Technical Services
Rex Turner, structural program chief, Policy and Technical Services
Mark Heizer, P.E., policy analyst, Policy and Technical Services
Warren Jackson, building code specialist, Policy and Technical Services
Todd Smith, policy analyst, Policy and Technical Services
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests Present: Kylie Kelly, Hillsboro Fire Department
Jim Muzynoski, Day Wireless Systems
Mark Prince, Hillsboro Fire Department
Jeff Bond, Bend Fire Department
John Patterson, Oregon Fire Marshals Association
Nate Takara, Portland Fire & Rescue
Eric Bressman, Ankrom, Noissan, Architects
Larry Mediva, Bend Fire Department
Susie Maniscalco, Bend Fire Department

I. Board business
   A. Call to order
      Rex Turner, structural program chief, called the Building Codes Structures Board meeting of November 2, 2016, to order at 9:32 a.m. The meeting was held at Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

   B. Roll call
      Rene Gonzalez and Thomas Sjostrom were both absent excused. Bill Kisselburg was connected by teleconference.
This board has one vacancy for the following position: A contractor specializing in construction for heavy industry.

C. Approval of the meeting agenda and order of business
The agenda and order of business was approved by unanimous consent.

D. Approval of the August 3, 2016, draft board meeting minutes
Corrections to the minutes were as followed:
- Page 3 paragraph 8; Michael Trabue was representing the Oregon State Fire Marshal’s Office.

Minutes were ruled final by unanimous consent.

E. Date of the next regularly scheduled meeting: February 8, 2017.

II. Public comment - None

III. Reports
Program update
Rex Turner, structural program chief, Policy and Technical Services, discussed the following topics:
- Warren Jackson, building code specialist, Policy and Technical Services, was introduced as the newest employee to the section
- Oregon Structural Specialty Code (OSSC) and Oregon Mechanical Specialty Code (OMSC) programs will be announcing 45-day period for accepting code proposals
- October 1, 2018, is the anticipated effective date of the OSSC and the OMSC

IV. Communications - None

V. Appeals - None

VI. Unfinished business
Board review of proposed rules related to code changes requiring the installation of Emergency Responder Radio Coverage systems
Chief Turner gave a brief background on the draft temporary rule related to the requirements for Emergency Responder Radio Coverage (ERRC) systems. He said at the August 3, 2016, board meeting, the board recommended the division proceed with re-adoption of the standards and the checklist form. Subsequently, the Department of Justice was asked to provide advice on the division’s approach to the adoption of the standards. The division was given the recommendation to discontinue locating construction requirements outside of the state building code, which included the ERRC provisions. Based on the Department of Justice advice, all new construction requirements have now been placed in the Oregon Structural
Specialty Code. Both the updated rule and checklist are included in the board packet for board review.

The division is seeking board input on the draft temporary rule before filing on November 3, 2016.

Nate Takara, fire marshal, Portland Fire & Rescue, said that the proposal has significant modifications from the original stakeholder proposal. The proposed language now allows the building official to have the sole authority to determine whether or not the ERRC requirements applies in facilities. Fire Marshal Takara said the building officials do not have the practical experience to understand the first responder’s needs and capabilities regarding radio communications.

Mr. Takara spoke for Greg Locati, communications system administrator, City of Portland. Mr. Locati strongly encourages the board to disapprove the proposed changes and checklist. He stated in his testimony letter dated October 31, 2016, that the proposed changes appear to take the authority to require, waive or modify ERRC requirements away from the fire agency.

Kylie Kelly, fire inspector II, Hillsboro Fire Department, asked the board to support language that ensures the building official cannot approve exceptions for ERRC without a recommendation from the fire official. She also asked the board to recommend that the proposed ERRC Checklist be provided as a customizable template only and not a static form.

Jim Muzynoski, director of strategic accounts, Day Wireless Systems, addressed the exception that allows for a wired communication system in lieu of an emergency responder system if recommended by a fire official and approved by a building official. He said that those systems are technically flawed because it is an antiquated technology that only assists emergency responder communication in certain locations of the buildings. He asked the board to remove this as a viable exception or approve it in only the rarest of circumstances. Mr. Muzynoski also asked that the checklist be provided as a model form only and not as a concrete document.

Mark Prince, deputy chief, Hillsboro Fire, said that he is a 30-year veteran in Oregon’s fire service, primarily in operations, and can testify competently to the negative impact that a building without an ERRC will have to emergency responders. The lack of a wireless signal often results in either poor or nonexistent wireless communications during critical emergency fire ground operations. He asked the board to support the recommendation of reinstatement of 403.4.5 and 915 back into the Oregon Structural Specialty Code.
John Patterson, deputy chief, Jackson County Fire District 3, OFCA and OFMA, respectfully requested that the board recommend to the division administrator to either reinstate the original model code language, or revert back to the original argument that the provisions are not a construction feature and that having these provisions in the OSSC may be in conflict with other state laws, but rather let these requirements solely exist in the fire code.

Board member Stephen Forster read a letter from the Oregon State Interoperability Executive Council (SIEC), vice-chair and executive committee member, Fire Chief Michael Duyck. The letter strongly encouraged the Building Codes Structures Board not to approve the proposed ERRC code changes, but instead recommended reinstatement of OSSC 403.4.5 and 915 as originally included before the division repealed the sections on February 22, 2016.

Mark Long, administrator, Building Codes Division, addressed the board. He said that it is the recommendation of the Department of Justice to pull all new construction items out of the fire code and place them in the building code, which includes the proposal for the ERRC.

Administrator Long said that he was in favor of moving the recommendation forward during the August 3, 2016, board meeting, but once the question of authority came up during the public forum, the process came to a stop when the Department of Justice stepped in. Administrator Long said that at this point, it is important to him to get these systems in place for the emergency responders.

Katharine Lozano, assistant attorney general, Department of Justice, said that once she was asked to provide advice on the issue of authority between two agencies, she could not refuse to address the issue. The Department of Consumer and Business Services (DCBS), Building Codes Division (BCD), under ORS Chapter 455, have certain kinds of codes/rules that must be adopted. Also, in the language it specifically excludes fire marshal standards from their specialty codes. Only DCBS/BCD has the authority to adopt a statewide building code. The fire marshal does not have that authority, therefore the agencies cannot cross authorities under the law. Not only is it unlawful, but it has created confusion. In order to be lawful, the recommendation is to make sure that what the Office of the State Fire Marshal has authority to adopt is in the documents of the State Fire Marshal and that the items that the Administrator of BCD has authority to adopt are in the state building code, which they are required by statute to create, and which cannot include the fire standards by law.

Administrator Long asked if there are any suggestions for clarification.

Stephen Forster suggested that Exception 2 of Section 915 Emergency Responder Radio Coverage be removed. Mr. Forster said this section adds confusion and does not take anything away from code.
Dan Carlson suggested that clarification to deferred submittals should occur on the checklist.

Eric Sandoval suggested that Part IV on the checklist should clarify that this section does not apply to the building permit. He also suggested that in Part IV that “if known” should be stricken from “Anticipated frequency changes.”

Stephen Forster agreed with all suggested changes. He also suggested that the checklist include that the FCC license holder may have additional requirements and it is important that they are contacted very early in the process. And in Part III of the checklist, Mr. Forster suggested that “Building configuration will allow for transmission of ambient radio signal strength into the building and allows for transmission to an outdoor receiver” be removed. Then in Part VII he suggested a box be added for “Passed performance testing.”

Kylie Kelly, Hillsboro Fire Department, said that for clarification, Section 915.2 under the exception talks about sections I and II of the checklist. It should state Part I and II.

**Motion by Eric Sandoval** to approve the recommended changes in temporary rule with a re-look at the next board meeting and send to public hearing with the findings that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources. **Motion carried unanimously.**

**VII. New business** - None

**VIII. Announcements** - None

**IX. Adjournment**
Mr. Turner adjourned the meeting at 11:51 a.m.

Respectfully submitted by Debi Barnes-Woods, boards administrator/coordinator.