



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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Electrical and Elevator Board

Additional teleconference meeting agenda

Friday, September 9, 2016, 10:00 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

<http://www.oregon.gov/bcd>

Click on "View live meetings"

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business

II. New business

Board review of [draft amendments](#) to Chapter 918 Division 308 related to standards for electrical program delegation

III. 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 administrator 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](#).

Agenda Item II.

State of Oregon

Board memo

Building Codes Division

September 9, 2016

To: The Electrical and Elevator Board

From: Brett Salmon, Manager, Policy and Technical Services

Subject: Proposed amendments to OAR Chapter 918 Division 308, standards for electrical program delegation

Action requested:

Electrical and Elevator Board discussion and feedback on draft proposed amendments to Chapter 918 Division 308 related to standards for electrical program delegation.

Background:

At the August 24, 2016, meeting, the Board instructed the division to develop proposed amendments to address outstanding concerns regarding electrical program delegation. The division developed draft proposed administrative rules which clarify the standards an applicant must demonstrate in order to receive delegation of an electrical inspection program, including:

- Service each weekday;
- Standards for a financially viable program, including projected revenues and expenses, indemnity agreements, no fee increases for the first two years of initial operation , and minimum insurance; and,
- A more detailed compliance plan which includes reporting compliance data to the Board.

These draft proposed amendments are presented to the Board for discussion and to provide further direction to the division. The Board is expected to take formal action on proposed amendments to the electrical program delegation standards at the September 22, 2016, meeting.

918-308-0010

Standards for Delegation

Administration and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

- (1) The municipality shall be ready, willing and able to fully operate the electrical program on the effective date of delegation, July 1, except when a municipality is assuming the program from the division.
- (2) The municipality shall create and maintain minimum services at least **each weekday, excluding holidays as defined in ORS 187.010, to include** ~~reasonably the same level as the electrical administrative, enforcement, and inspection services presently provided to the area.~~ Minimum administrative, enforcement, and inspection services include the “Ongoing Requirements” in the Electrical Delegation Rules.
- (3) Operation of the program shall be financially feasible without unduly increasing short or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area. **To be considered financially feasible, the municipality must:**
 - (a) Demonstrate that feasibility to the satisfaction of the Board by, in part, providing projected revenue and expenses for the electrical program for two years, excluding any monies from the municipality’s general fund, and including the assumptions on which those projections are made, such assumptions to exclude any and all revenue from significant, one-time projects;**
 - (b) Agree, as a condition of delegation, to indemnify the State for any and all claims related to any personal injury, death, or property damage arising from any act, omission, or error on the part of the municipality in the operation of the electrical program;**
 - (c) If contracting with a third party to provide some or all of the services of the jurisdiction’s electrical program, include a provision in its contract with the third party in which the third party agrees to indemnify the municipality and the State for any and all claims related to any personal injury, death or property damage arising from any act, omission, or error on the part of the contractor in its work the municipality’s electrical program;**

(d) Agree, as a condition of delegation, that it shall not adopt or implement any fee increases for the first two years of its initial operation term;

(e) Carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions in its operation of the electrical program; and,

(f) If contracting with a third party to provide some or all of the services of the jurisdiction's electrical program, demonstrate that the third party carries a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of the acts, errors, and omissions in its work for the municipality's electrical program.

(4) The municipality shall demonstrate its ability to carry out the proposed electrical program.

(5) The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220 for municipalities that apply to undertake inspection programs. **When any provision of this section conflicts with or contains greater, more stringent, or more detailed requirements than another section of this division, this section shall control.**

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0100; BCD 8-2008(Temp), f. & cert. ef. 6-19-08 thru 12-15-08; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0160

Plan for Compliance

(1) The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.

(2) The plan shall describe in detail how the municipality will carry out compliance actions, including the number of staff members who will perform investigations, qualifications of those staff members, number of days per week those staff members will conduct investigations, and a description of how those staff will conduct checks for electrical licensure on jobsites, including how jobsites will be identified and selected for investigation.

(3) The municipality shall report data as required by the Board and shall annually report compliance actions taken pursuant to the enforcement of the electrical inspection program.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0330

DRAFT