

RESOLUTION NO. 1627

A RESOLUTION AUTHORIZING THE CITY OF WILSONVILLE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE BUILDING CODES DIVISION FOR PROVIDING BUILDING INSPECTION SERVICES FOR THE WOMEN'S PRISON AND INTAKE CENTER AT DAY ROAD.

WHEREAS, ORS 190.010 provides that units of government may enter into agreements for performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the 1999 Legislature, in adopting Senate Bill 686, granted authority to the State Building Codes Division for the issuance of all required permits over which they have authority for the Women's Prison and Intake Center at Day Road; and

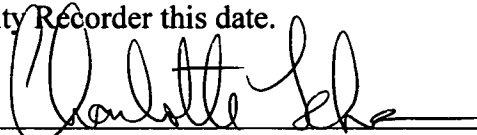
WHEREAS, the State Building Codes Division has authorized the City's Building Official to issue such permits and conduct inspections; and

WHEREAS, the State Building Codes Division and the City of Wilsonville believe it is in the public's best interest to transfer the responsibility of conducting building inspection services for the Women's Prison and Intake Center to the City of Wilsonville and enter into an Intergovernmental Agreement between the City of Wilsonville and the State Building Codes Division, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council of the City of Wilsonville agrees to and authorizes the execution by the Mayor on behalf of the City for the services as set forth in Exhibit A, and attached hereto, for the delegation of authority from State Building Codes Division to the City of Wilsonville for the issuance of building permits and conducting inspections in accordance with the terms thereof.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of March, 2000, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Lehan	Yes
Councilor Kirk	Excused
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Holt	Yes

ATTACHMENT 'A'

INTERGOVERNMENTAL AGREEMENT FOR BUILDING INSPECTION SERVICES

Recitals:

1. The Oregon Department of Corrections is responsible for construction of a correctional facility known as the Women's Prison and Intake Center, in Washington County near the corporate limits of the City of Wilsonville.
2. The Oregon Department of Consumer and Business Services is responsible for implementation of various "specialty codes" as described in ORS 455.010, and collectively known as the State Building Code. These codes currently include Oregon amended versions of the 1997 edition Uniform Building Code, (1998 Oregon Structural Specialty Code), Uniform Plumbing Code (1996 Oregon Plumbing Specialty Code), 1998 International Mechanical Code (1999 Oregon Mechanical Specialty Code), 1999 edition of National Electrical Code. OAR 918 chapter 251 through chapter 311 and ORS 479.510 through 479.945 applicable to electrical installations, Boiler and Pressure Vessel code and Elevator Safety Standard Code.
3. The Oregon Department of Consumer and Business Services is by statute the Agency charged with the issuance of all building permits under the State Building Code for the Women's Prison and Intake Center.
4. The Department of Consumer and Business Services, through the Building Codes Division ("Division"), has requested that the City of Wilsonville (the "City"), through its Building Department, issue all permits required under the Oregon Structural Specialty Code, the Oregon Mechanical Code, the Oregon Electrical Specialty Code, and the Oregon Plumbing Specialty Code. The Division and the City agree that the current versions of the pertinent specialty codes in effect at the effective date of this agreement, along with the amendments to the Oregon Structural Specialty Code, pertinent to prisons, effective April 1, 2000, shall be used throughout the duration of this project. Any requests to vary from these codes will be handled as requests for alternate methods of construction under the applicable code. The Division has further requested that the City track the status and monitor the requests for inspections of all permits issued for the above-listed specialty codes, and perform all inspections for the above-listed permits, except those inspections performed pursuant to the electrical permits.
5. The City has agreed to perform the issuance and tracking of permits, receive the inspection requests, and perform the inspections for the specialty codes as set forth in paragraph (2) above, under the terms and conditions set forth in this Agreement.

6. The City understands that it is bound by the statutory and administrative rule-based limitations for permit fees charged by the Division, and agrees to charge permit fees which do not exceed those amounts set by statute or administrative rule for permits issued by the Division.

SECTION I. PERMITS

- A. Permits to be Issued. As set forth in the recitals, the City will issue all permits under the structural, mechanical, plumbing, and electrical programs. The Division will issue all permits for boilers and pressure vessel equipment, elevator equipment, and pre-fabricated structures and components. All permits not required under the State Building Code are not within the authority of the Division, and are expressly excluded from the terms of this agreement.
- B. Forms. Applications for permits issued under the State Building Code by the City shall be made on Building Code Division forms.
- C. Issuance. The City may issue permits upon receipt of approved plans from the Division. The City agrees to retain records of all permits by discipline, on behalf of the division. The City will track all permits issued, and will maintain those permits by discipline.

SECTION II. PAYMENT

- A. General. Fees for all permits, except electrical permits, shall be received by the City, and retained as payment for inspection services provided. Payment shall be in an amount which does not exceed the fees which may be charged by the Division under statute or administrative rule for like services.
- B. Electrical Permits. Payment for electrical permits, including surcharge payments, shall be made directly to the Division by the electrical contractors. These payments shall be made in the form of retainer amounts. The Division will advise the City that a retainer amount has been paid by a particular contractor, and the City may then issue permits requested by that contractor unless or until advised otherwise by the Division. The City will provide the Division a copy of all electrical permits issued, and the cost of each.
- C. Surcharges. The City shall collect all applicable surcharges on permit fees received and remit those surcharge payments in accordance with ORS 455.220.

SECTION III. INSPECTIONS

- A. General. As set forth in the recitals, the City will perform all inspections required for permits issued under the structural, mechanical, and plumbing programs. All inspections will be performed promptly following a request for inspection, but no later than forty-eight (48) hours, excluding weekends and holidays, following the receipt of a request. The City will maintain a telephone number for the receipt and recording of all requests including electrical, and will make the information about electrical requests available to the Division.

- B. Electrical. All electrical inspections will be performed by the Division. The City and the Division will agree on a specific process for notification to the Division about requests for electrical inspections, in order to allow the Division to provide prompt service.

SECTION IV. RECORDS

- A. Permits. The City shall maintain permit files for all permits issued. As set forth above, the permit files shall be separated by specialty code area. Permit files will include permits, permit logs, and inspection reports. Upon completion of the project, or upon termination of this Agreement, the City shall turn over all permit files to the Division.
- B. Other Records. The City will maintain a list of information regarding all permits issued, including the date issued, fee paid, status of the permit, the date of all inspections and the date of final approval of the work. The Division will provide an electronic data format for the list, which the City shall transmit weekly to the Division via email or other electronic means.
- C. Electrical Permits. In order to assist the Division in performing electrical inspections, the City will pull electrical permit files for which an inspection has been requested. Those files will be made available to Division electrical inspectors where the permits are maintained.
- D. Access. The Division, the Secretary of State's Office of the State of Oregon, and their duly authorized representatives shall have access to the books, documents, papers, and records of City that are directly pertinent to this Agreement for the purpose of making audits, examinations, excerpts, and transcripts.

SECTION V. AMENDMENT

The terms of this agreement shall not be waived or amended except by a written agreement signed by both parties.

SECTION VI. TERMINATION

This Agreement shall be effective upon signature by all parties, and shall terminate upon completion of the project, but not later than June 30, 2003, unless extended by agreement between the parties. This Agreement may also be terminated by either party giving 30 days notice in writing to the other and delivered by certified mail or in person. Should this Agreement be terminated prior to the conclusion of the project, the City will reimburse the Division a prorated amount of permit revenues collected which amount will fairly compensate the Division for remaining inspections to be performed under the existing permits.

SECTION VII. POINT OF CONTACT

Questions regarding this Agreement may be addressed to James M. Hanson Jr., Field Operations Assistant Manager, Oregon Building Codes Division, (503) 373-1288.

CITY OF WILSONVILLE

STATE OF OREGON

By and through its Department of Consumer and Business Services, Building Codes Division

By:
CHARLOTTE LEHAN
Mayor

By:
JOSEPH A. BREWER III
Administrator