



RESOLUTION 2014-019

AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF AGREEMENT WITH THE STATE OF OREGON BUILDING CODES DIVISION FOR THE BUILDING INSPECTION PROGRAM

WHEREAS, the City of Sherwood has operated a Building Inspection Program for many years; and

WHEREAS, in accordance with the authority granted by the Oregon Revised Statute (ORS) 455.020 and Oregon Laws 2013, chapter 528, this Memorandum of Agreement (MOA) sets forth the roles and responsibilities of the City of Sherwood operating a municipal building inspection program as referenced in ORS chapter 455, and

WHEREAS, the City of Sherwood Building Department has operated the Inspection Program in a manner consistent with the provisions of the MOA, however the State has recently begun requiring local jurisdictions to formally enter into a Memorandum of Agreement; and

WHEREAS, the State of Oregon Building Codes Division has indicated that a signed MOA is required to retain authority to partner with the Oregon Building Codes Division to provide a Building Inspection Program; and

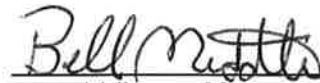
WHEREAS, the provisions in the MOA are consistent with current practices and the City of Sherwood understands that it is in the best interest of the community to retain a local Building Inspection Program.

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

Section 1. The City Manager is authorized to sign the Memorandum of Agreement, attached as Exhibit A, with the State of Oregon Building Codes Division for the Building Inspection Program.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 1st day of April 2014.


Bill Middleton, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

**Memorandum of Agreement
Relating to Renewal of Assumed
Building Inspection Program**

I. Parties:

This agreement is made and entered into by the Building Codes Division (hereinafter the "Division"), through the Department of Consumer and Business Services, and **City of Sherwood** building inspection program.

II. Purpose:

In accordance with the authority granted by Oregon Revised Statute (ORS) 455.020 and Oregon Laws 2013, chapter 528, this Memorandum of Agreement (MOA) sets forth the roles and responsibilities of the **City of Sherwood** operating a municipal building inspection program as referenced in ORS chapter 455.

III. Background:

The Department is authorized to:

1. Promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings. The state building code establishes uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security for the residents of this state; and
2. Delegate authority to a municipality to operate all or any portion of a building inspection program for a reporting period. A reporting period means a four-year period during which a municipality administers and enforces a building inspection program pursuant to an approved operating plan.

IV. Agreement:

City of Sherwood building inspection program agrees to the following minimum standards, policies and procedures while operating a building inspection program during the next reporting period:

1. **Administrative Standards.** Program must provide adequate funds, equipment and other resources needed to administer and enforce the program consistent with the inspection and permit requirements of the state building code.
2. **Electrical Program.** A building inspection program with an electrical program must comply with all applicable electrical rules for the inspection and enforcement of electrical programs.
3. **Fees.** Program must follow the uniform fee methodology for building permit and inspection fees. Program must only use fees collected for the administration and enforcement of the building inspection program. Electrical permit fees must only be used for the administration and enforcement of the electrical program. To avoid division enforcement action, program must collect and remit surcharges (with permit log) to the division no later than the 15th day following the month or quarter for which the surcharges are required to be collected according ORS 455.220.
4. **Appeals.** Program must have policy to allow an applicant for building permit to appeal decision made by building official. Program must also allow an applicant for a building

permit to file a written appeal of a decision of the building official directly to the division on any matter relating to the administration and enforcement of ORS Chapter 455.

5. **Operating Plan.** Program must amend operating plan within 30 days when changes occur and provide amended operating plan to the division. Changes include a change of building official.
6. **Staff.** Program must have appropriately certified staff for inspections.
7. **Enforcement.** Program must not enforce any standard in conflict with the state building code.

V. Indemnity:

To the extent permitted by Article XI, sections 9 and 10 of the Oregon Constitution, and within the limits of liability established in the Oregon Tort Claims Act, **City of Sherwood** shall defend, indemnify and save the division, its officers, agents, and employees harmless from any and all claims, actions, costs or damages caused by the **City of Sherwood**.

VI. Term of the Agreement:

This agreement will become effective July 1, 2014 and will remain in effect for four years unless the municipality abandons or ceases to administer the building inspection program or the division assumes administration of the program under activities related to ORS 455.770. Failure to comply with any provision of this agreement may be considered a breach of this contract thereby impacting the municipality's continued administration of the building inspection program.

VII. Signatures:

Both parties, by the signatures below, hereby acknowledge that they have read this agreement, understand it and agree to be bound by its terms and conditions.

Building Codes Division

City of Sherwood

Date

Date

**Mark S. Long, Administrator
Building Codes Division**

Please print building official name



Building Official Signature

Date

Please print name and title

City of Sherwood Representative Signature