

MINUTES ARE NOT VERBATIM

**MECHANICAL COMPETENCY BOARD
MINUTES
September 28, 2016**

A meeting of the Mechanical Competency Board was held September 28, 2016, 10:00 a.m., at the Okaloosa County Administrative Building, 1250 Eglin Parkway N., first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Roger Casey, David Gaillard, James Walker, Jr. and Lee Bowen. Consumer representatives in attendance were Todd McGirr and Bill Byerley. Assistant County Attorney Kerry Parsons was also present.

Growth Management Staff in attendance were Elliot Kampert, Growth Management Director; Renee Lucas, Licensing Specialist and Teresa Mullins, Administrative Assistant II.

I. CALL TO ORDER

Chairman Roger Casey called the meeting to order.

A. Roll Call

Teresa Mullins conducted roll call.

II. ACKNOWLEDGE GUESTS

None.

III. APPROVAL OF THE MINUTES OF: March 30, 2016

Chairman Casey approved the minutes as written.

IV. ANNOUNCEMENTS:

None

V. OLD BUSINESS

None

VI. NEW BUSINESS

a. Swearing in Applicants

Ms. Mullins swore in the applicants.

b. Candidates for Testing Approval:

1. Floyd E. Padgett – Class B Air Conditioning Contractor

Mr. Floyd Padgett was present to answer questions from the Board.

Chairman Casey asked staff if Mr. Padgett held multiple licenses.

Ms. Lucas stated that Mr. Padgett holds licenses as a Residential and Roofing contractor.

Chairman Casey asked Mr. Padgett how he got his air conditioning experience given that he is a licensed residential contractor doing his own work.

Mr. Padgett stated that he has spent a lot of time with A/C technicians and he had a contractor that he did a lot of A/C work for over the past 8 years. Mr. Padgett stated that he is seeking to further his career in construction and wants to be able to do all of the work on the houses he builds instead of having to hire outside contractors for the plumbing and mechanical work.

Mr. David Galliard stated that he believes the question the Chairman was asking regarded how the requirement of 4 years of mechanical experience was met.

Mr. Padgett stated that the man who signed off on his experience has worked with him for 9 years and verified his experience from the time working with him.

Chairman Casey noted that there is a signed affidavit from the contractor who signed off on Mr. Padgett's experience. Chairman Casey stated that the problem he has is, given that Mr. Padgett has not worked for an Air Conditioning/Mechanical contractor for 4 years, how the Board members be certain that the requirement for 4 years of experience is met.

Mr. Padgett stated that he can be believed that he has the experience to do everything he wants to do and wouldn't be applying if he didn't have the experience. Mr. Padgett further stated that he worked with 2 techs regarding refrigeration and he is certain that he will be able to do the work and get the license. Mr. Padgett stated that he has been in the construction business for about 13 years and has seen and worked with all the facets of the job.

Chairman Casey asked Mr. Padgett if he had an EPA card and if he knows what an EPA card is.

Mr. Padgett stated that his father is certified with the EPA but he doesn't think he has an EPA card himself.

Chairman Casey stated that an EPA card is required in order to handle any type of refrigerant. Chairman Casey informed Mr. Padgett that if he had been working for an Air Conditioning contractor he wouldn't have been allowed to work on any systems involving refrigerant without an EPA card.

Mr. Padgett asked if he would have to get an EPA card before he could be approved to test.

Chairman Casey stated that it wasn't required for testing but the State might require it for licensure. Chairman Casey further stated that he only asked questions like this because the Board needs to know for certain that an applicant has the appropriate experience, in order to protect the public if he receives a license. Chairman Casey stated that the EPA card is necessary because it must be shown when buying supplies. Chairman Casey further stated that he didn't believe that there was enough question to deny him the ability to test; however, it may be an issue when he applies to the State for his license.

Mr. Padgett stated that he would do whatever he had to do in order to build his business successfully and if the EPA card is necessary then he will see that he gets one.

Chairman Casey cautioned Mr. Padgett that he will have to get EPA cards for any employees he has who will be doing mechanical work.

A brief discussion ensued.

Motion to approve him to take the test made by David Galliard; Second by Todd McGirr; approved unanimously.

2. Matthew E. Stokes – Class A Air Conditioning Contractor

Mr. Matthew Stokes was present to answer questions from the Board.

Mr. Galliard noted that Mr. Stokes was asking to test for a Class A license which will allow him to work with and install commercial systems and asked Mr. Stokes what sort of experience he has in working with residential and commercial systems.

Mr. Stokes stated that, regarding commercial jobs, he worked with Walker Electric working on 25 and 50 ton chillers and boilers, although he admitted that welding wasn't one of his best skills. Mr. Stokes stated that he did quite a bit of Industrial work as well at packages and manufacturing plants.

Chairman Casey noted that his only concern regards Mr. Stokes credit rating and cautioned Mr. Stokes not to be surprised when he gets to the State level.

Motion to approve him to take the test made by David Galliard; Second by Lee Bowen; approved unanimously.

A brief discussion ensued.

VII. OTHER BUSINESS

a. Discussion concerning Construction Ordinance changes

Mr. Elliot Kampert, Growth Management Director addressed the Board providing information regarding proposed changes to the County's Construction Industry Licensing Code as well as proposed changes to permitting fees.

Copies of the documents with the proposed changes clearly marked were provided to the Board by staff.

Mr. Kampert began with *Article VIII - Construction Industry Licensing Code; Division 1*, informing the Board, that it is being updated to correct minor errors, to meet State Law requirements and to amend or add definitions for some types of contractors in order to mirror the State definitions for those types of contractor licenses. Mr. Kampert went through the document pointing out the changes that have been proposed, beginning with *Sec. 6-263 Technical Codes*, stating that the old language was specific to versions that the County no longer uses; therefore, the proposed text to replace that language amends that problem and instead notes that construction of improvements under the County's jurisdiction shall be done as provided in *Sec. 6-135 of Article VI of Chapter 6 of the Okaloosa County Code of Ordinances*. Mr. Kampert continued with *Sec. 6.274 –*

Definitions, noting that there were several minor scrivener's errors that will be corrected along with several definitions of contractors that will be updated to mirror the language provided in the Florida Administrative Code. Mr. Kampert read into the record those definitions that have a proposed change, which includes complete revision for Irrigation and Lawn Sprinkler Contractor (local specialty) and Marine Contractor (local specialty) definitions as well as additional language that is being added to the definitions for Plumbing Contractor and Roofing Contractor. Mr. Kampert pointed out two scrivener's errors in *Section 6-314 - Eligibility; certification by reciprocity* that will be corrected. Mr. Kampert stated that staff has proposed completely removing *Section 6-315 - Eligibility; underground utility and excavation certification by grandfathering*, as this grandfathered license is no longer an option. Mr. Kampert further stated that there are proposed changes, in *Section 6-316 – Liability Insurance*, one of which would affect all of the contractors who are licensed to work in Okaloosa County. Mr. Kampert stated that staff was aware that contractors were being charged increasingly expensive fees for adding the Growth Management Department as additional insured on their general liability insurance. Mr. Kampert further stated that senior staff contacted the Risk Management Department as well as the County Attorney's office and discovered that the only time the County must be named as additional insured in that fashion is when a contractor is working on a County funded project. Mr. Kampert stated that staff is proposing to remove the requirement that the Okaloosa County Department of Growth Management be named as additional insured on a contractor's general liability insurance in order to be able to pull permits. Mr. Kampert further stated that staff was proposing to add the words "and license number" to the statement that requires the type of license which is to be listed in the "declaration of operations" area of the general liability insurance certificate. Mr. Kampert stated that the final proposed changes in the County's Construction Industry Licensing Code are in *Section 6-319 - Fees*. Mr. Kampert began with *Application and testing fees*, and asked Ms. Lucas to explain the change.

Ms. Lucas explained to the Board that all applicants seeking approval to test for a license are charged a fee of \$25.00 to cover staff's time in creating their file and processing their request and this fee is not proposed to change at this time. Ms. Lucas stated that the proposed change only regards contractors who have been purged and wish to appear before the Board seeking reinstatement of their Competency Card. Ms. Lucas further stated that the Board application fee for purged contractors in this situation is proposed to increase from the \$25.00 fee currently charged to \$200.00.

Mr. Kampert noted that another change is proposed for reciprocal letters, increasing the fee from \$25.00 to \$50.00 for each reciprocal letter to account for the time spent by staff in processing those requests. Mr. Kampert stated that some of the wording has changed under *Annual renewal and administrative fees (c) Late fees* clarifying the language and, in addition, reducing the grace period allowed after expiration before the late fee kicks in from 90 days to 30 days. Mr. Kampert moved on to *(e) State certified administrative fee* noting that the language proposed will only apply to those who hold certified licenses for liquid petroleum, issued by the State Fire Marshall and as Mobile Home Installers, as allowed by State law. Mr. Kampert concluded that the final proposed change regards the fee for staff assistance with the State license package, which, if approved, will increase from \$35.00 to \$50.00.

Mr. Kampert stated that these fees for licensing services go to the Enterprise Fund which pays for the Building Official, inspectors, permitting and licensing staff. Mr. Kampert

further stated that all of the permitting fees and inspection fees also remain in the Enterprise Fund per State Law.

Chairman Casey stated that he would like to see a change adding a requirement for proof of an EPA card in order to apply for testing for an Air Conditioning or Mechanical license.

Ms. Lucas stated that such a requirement could be added to their experience affidavit.

Chairman Casey stated that some applicant's experience is questionable, due to their signatory being out of state or due to an issues like the first gentleman this Board heard today where it was difficult to verify his actual experience.

Ms. Lucas stated that for applicants who have an out of state contractor's signature on their experience affidavit, staff contacts that contractor and asks a list of prepared questions, and those questions and answers are included in the applicant's file. Ms. Lucas stated that the only other thing staff could do is have even Florida State licensed signatories also get phone calls with the same list of questions asked.

Chairman Casey asked if a requirement that the Contractor who signs off on the experience also signs off that the applicant worked directly for or under them.

Ms. Lucas stated that there are problems with that a requirement like that, such as the death of a contractor whose employee is now seeking licensure, or, perhaps, a worker whose contractor employer isn't willing to sign for one reason or another but the contractor who hired the mechanical contractor is willing to sign because he is knowledgeable about the applicant's experience. Ms. Lucas stated that she would seek advice from the County Attorney regarding this issue. Ms. Lucas further encouraged the Board to email her if they have any suggestions or comments.

Mr. Galliard stated that when he was seeking licensure the requirement for experience was in man hours before they changed it to 4 years. Mr. Galliard asked why an applicant couldn't be required to submit paystubs to account for the actual time spent on the job learning the trade.

Ms. Lucas stated that the change in the Statue was based on the fact that using a typical work day of 8 hours a day the time averaged out to less than a year with a requirement of 2000 man hours, so the increase to 4 years was intended to increase the actual experience. Ms. Lucas further stated that she asks applicants to supply the day and month they began as well as the day and month they ended.

Attorney Kerry Parsons noted that education and experience are both used as factors, per the County Code, when determining whether an applicant should be allowed to take an exam; therefore, so the Board can require certain things such as additional proof of experience.

A brief discussion ensued.

Mr. Kampert moved on to the proposed changes within *Section 6-134 – Building permits and fees*. Mr. Kampert informed the Board that the last time permit fees were increased was back in 2010, stating that at this point in time the fees charged are barely covering the cost of the Department to operate. Mr. Kampert further stated one of our inspectors

was injured and will not likely return until late October or November and the intent is that increasing the fees will allow more staff to be hired to help with the workload. Mr. Kampert noted that the first proposed change is a \$10.00 increase in the base permit fee, which basically pays for inspections, increasing the base fee from \$60.00 to \$70.00. Mr. Kampert stated that the next proposed change updates the Square Foot Construction Costs valuation table from June 2010 values to February 2016 values, so that the permit fees reflect accurate costs. Mr. Kampert stated that the next proposed change, to Mechanical permit fees and how they are calculated, came about due to complaints from contractors over the requirement that they submit a contract showing the cost of the system in order to get a permit. Mr. Kampert further stated that staff went through a hundred recent mechanical permits and found that using 5 tons as the upper limit for the lower fee would catch 80%-85% of the submitted permits. Mr. Kampert stated that the proposed fee for a 5 ton or less system would be \$50.00 plus the base fee of \$70.00, which will probably be slightly less costly for some and slightly more costly for others. Mr. Kampert stated that making this change will release the contractors from having to submit their contract, which then becomes a part of the public record.

Chairman Casey noted that, while he had no problem submitting copies of his contracts, this table seems fair and equitable to him.

Mr. Kampert stated that the next proposed increase is for irrigation and lawn sprinkler permits, with a proposed \$5.00 increase from \$15.00 to \$20.00 plus a base fee. Mr. Kampert further stated that the plan review fee for review of commercial resubmittal or addendum plans is proposed to increase from \$60.00 to \$75.00. Mr. Kampert stated that there are some contractors who tend to use the department's inspectors as their quality control method. Mr. Kampert further stated, that with that problem in mind, staff have proposed a first re-inspection fee of \$50.00 (an increase of \$15.00), a second re-inspection fee of \$100.00 and a third and following re-inspection fee of \$150.00 in hopes that the change will dissuade contractors from using inspectors for their quality control method.

Mr. Todd McGirr asked how often inspection staff were used for quality control.

Mr. Kampert stated that it happened a lot.

Ms. Lucas stated that there are a lot of builders who use the inspection staff for quality control, probably 80% to 90% of builders, especially at the framing stage. Ms. Lucas noted that there are some builders who never have re-inspections but most builders do.

Chairman Casey asked if staff had problems with contractors not paying re-inspection fees.

Ms. Lucas stated that, with residential homes and commercial buildings, the re-inspection fees have to be paid before a Certificate of Occupancy or Certificate of Completion is issued. Ms. Lucas further stated that with a stand-alone permit, the re-inspection fee must be paid before another inspection is scheduled.

Mr. Kampert stated that the Building Industry Association was adamant that this be done to free up inspector time by reducing the number of repeat inspections.

Mr. Kampert informed the Board that the next proposed change is an increase in the fax fee from \$10.00 to \$25.00; however, staff is intending to get rid of the fax program

eventually if online permitting becomes available. Mr. Kampert stated that Information Services (IS) is working on making online permitting available; however, online permitting would be limited to licensed contractors only and only for those permits that can be handled by the fax program. Mr. Kampert stated that the fax fee is supposed to cover staff time; however, it doesn't take into account all of the people or time involved. Mr. Kampert further stated that, beyond the person who takes in the fax and processes the request, there is also the staff time involved in handling the billing and receipt of payments which involves 3 or more staff members. Mr. Kampert stated that the fee for online permitting will only be the fee for the permit along with any costs for paying with a credit or debit card. Mr. Kampert continued on stating that, when power has been turned off for a long period of time, staff has been doing power service courtesy inspections as required by the power companies at no cost so that the power can be turned back on. Mr. Kampert further stated that there is no permit required for these inspections, and essentially the cost for this service has been subsidized by all of those who pull permits. Mr. Kampert stated that staff is proposing a \$50.00 fee for power service courtesy inspections to cover the cost of the inspector going out to do the inspection. Mr. Kampert stated that the final increase involved temporary certificates of occupancy (TCO). Mr. Kampert stated that no fee has been charged for issuing TCOs in the past despite the amount of staff time involved in processing those requests; therefore, staff is proposing a fee of \$150.00 to issue a TCO with an additional required fee of \$150.00 to extend a TCO if necessary. Mr. Kampert moved on to the final proposed change, informing the Board that there are several programs available for wounded warriors which have been approved by the State which would allow staff to waive permitting fees for changes that are done for the purposes of accessibility. Mr. Kampert further stated that when approached by such an approved group, on behalf of a soldier who had been badly injured by an IED in Iraq who was seeking to build a house, staff researched the issue and waived the permitting fees. Mr. Kampert stated that later, during an audit by the Institution of Senior Professionals (ISP) who noticed that the fees were waived and asked why. Mr. Kampert stated that staff showed the ISP auditors the State Statute; however, the auditors noted that the allowance for such action did not appear anywhere in the Okaloosa County Code. Mr. Kampert further stated that, in order to make sure there are no further issues, staff has included proposed language that references *Section 295.16 Florida Statutes* which allows the Building Official to waive all or part of the required fees for applications submitted on behalf of disabled veterans by private, non-profit charitable organizations when the application is intended to provide handicapped accessible housing for disabled veterans.

Chairman Casey asked if the Department was aware of Santa Rosa County's use of pictures to save inspector trips.

Mr. Kampert stated that he is aware of that but would want to make sure that GPS notations were on the pictures or something else that would make the pictures unique to avoid anyone trying to use the same picture multiple times. Mr. Kampert stated that staff will investigate it to see if it's something we can do.

Mr. Kampert informed the Board that there are 2 inspectors who have been beta testing for us using smart phones which allow them to speak their comments into the phone, and then upload those comments along with the inspection results into Eden. Mr. Kampert stated that once the results are in Eden an email is sent to the contractor's email address on file notifying him of the inspection results. Mr. Kampert stated that smart phones are

on order for the rest of the inspectors. Mr. Kampert informed the Board that one of the problems that the IS staff are working on with the Database originator is that inspectors must now spend an hour or so going through the inspections and assigning those inspection to themselves through the software. Mr. Kampert stated that IS staff is working with the database folks to change the software so that inspector can assign the inspection when they're at the site, and the permit techs will be able to go in a make a change in the event a client calls to cancel an inspection so that the cancellation would be sent out in real time.

Chairman Casey stated that with the email program, he has not been getting the email notifications regarding the inspections that have been done no matter what sort of permit he pulls.

Ms. Lucas stated that she has checked with IS and they don't know why he isn't getting the emails.

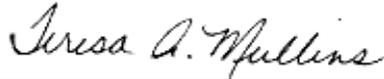
Chairman Casey noted that he would be glad to have more inspectors.

A brief discussion ensued.

VIII. ADJOURNMENT

Motion to adjourn made by Bill Byerley; seconded by David Galliard; approved unanimously.

Prepared by:



Teresa Mullins, Administrative Assistant II
10.11.16