
From: Regina Mundekis <reggie_mundekis@me.com>
Sent: Friday, September 25, 2020 8:52 AM
To: Michele Richards
Cc: Summer Angus; Ashleigh Aitken Board (aaitken@ocfairboard.com); Barbara Bagneris; Natalie Rubalcava-Garcia; Sandra Cervantes; rruiz@ocfairboard.com; npham@ocfairboard.com; dlabelle@ocfairboard.com; nkovacevich@ocfairboard.com
Subject: Construction Oversight & Management Letter to Close Communications Disconnects
Attachments: 2020-09-15_Letter_to_MRRichards.pdf

Dear CEO Richards,

There have been ongoing discussions regarding oversight and management of construction projects at the 32nd DAA. I am enclosing a letter and helpful materials which I hope will help close the communications disconnects between the 32nd DAA and the public.

Please let me know if you have questions or need more information.

Thank you for your interest in this matter.

Reggie Mundekis
on Behalf of Friends and Neighbors of the OC Fairgrounds



Friends and Neighbors of the Orange County Fairgrounds

Working for a Fairgrounds that is Focused on the Community

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September 25, 2020

VIA E-MAIL

Michele Richards, CEO
32nd District Agricultural Ass'n
88 Fair Drive
Costa Mesa, CA 92626
(mrichards@ocfair.com)

RE: *Information Regarding Construction Project Management*

Dear CEO Richards:

We are taking this opportunity to reach out to you regarding what appear to be disconnects between how capital, construction, and repair projects (collectively, "Projects") at the 32nd District Agricultural Association (32nd DAA) are designed, managed, constructed, and inspected and public expectations regarding these efforts. Review of documentation produced in response to CPRA requests and very helpful discussion with Directors Aitken and Pham have lead us to realize that Projects at the 32nd DAA appear to be managed with very different processes than those ordinarily used by other agencies and municipalities. These disconnects have led to misunderstanding and questions regarding the 32nd DAA processes. We would like to avoid continuing this historical process and work with the 32nd DAA to resolve these disconnections to improve transparency, safety and to generally improve 32nd DAA relations with the public.

Because the 32nd DAA has the budget of, and performs or oversees many of the same types of construction tasks of a small municipality, and given that the technical and legal oversight of such projects is not part of your historic suite of responsibilities with the 32nd DAA, we thought it might be best to advance our conversation toward a common framework of understanding by beginning with legal requirements for Projects in a public agency, how legal requirements for such Projects are enforced, and identify other issues which are ripe to be addressed.

California has standards for public construction which includes repairs, upgrades and retrofits of existing construction, among other issues, which work to protect the health and safety of the public. The standards are enshrined in statute in a number of places:

- California Building Standards Code which includes accessibility standards above and beyond the Americans with Disabilities Act (ADA) is Title 24, California Code of Regulations.
- California standards for access to public buildings by physically handicapped persons is enshrined in statute. (Cal. Government Code 4450-4461)

- The California Building Standards Code is enacted by statute (Cal. Health and Safety Code, §18901-18949.31).
- Earthquake safety standards are established under statute (Cal. Health and Safety Code §19100-19217).
- Historic buildings have their own standards which allow buildings to be adapted to new uses while maintaining their historic character. (Cal. Health and Safety Code 18950-18962).

Ensuring that these standards are met is carried out using multiple methods, most commonly beginning with plan review aka “plan check” specifying materials and processes to be used, and inspections before, during, and after construction. This process is described in “It's Your Building Department: A Resource for City and County Elected Officials and Managers” (attached) published by the California Building Standards Commission (Cal. Health and Safety Code §18920-18924). For the 32nd DAA, the “building department” is, typically, the California Construction Authority (CCA). The process of enforcing building standards is described in this reference (at pp. 10-11):

The usual means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading plans prior to permit issuance to observe that the plans will result in a building that complies with requirements applying to structural safety, energy conservation, green technology, fire and life safety, accessibility, and with appropriate plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections, if any, to the plans and specifications. Plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform reviews of structural plans and supporting calculations. Other subjects may be reviewed by certified plan examiners, or registered structural engineers, civil engineers and/or architects.

Inspections during various construction phases are to be performed by personnel holding a building inspection certification issued by the International Association of Electrical Inspectors, International Association of Plumbing and Mechanical Officials, International Code Council, National Fire Protection Association, or similar organizations. Personnel qualifications are discussed in more detail in Chapter 6 of this publication.

In other words, inspection is the key, and inspection needs to begin at the planning stage. It is at the planning stage, when the project only exists on paper, that deficiencies in the design, compliance with laws and regulations, issues with whether the project can be safely constructed, and what resources will be required to complete the task are identified. The plan is modified to make sure that all deficiencies are addressed and requirements are met. Then at each stage of the performance of the Project, inspections (by someone independent of the construction contractor) should be performed to ensure that the specifics of the plan are being followed.

Positions key to enforcement of the construction standards are Construction Inspector, Plans Examiner and Building Official are defined in statute which requires verifiable experience in the appropriate field and certifications. (Cal. Health and Safety Code §18949.25-18949.31)

- Construction Inspector is defined as “any person who is hired or contracted by a local agency in a temporary or permanent capacity for the purpose of inspecting construction for structural, seismic safety, fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.”
- Plans Examiner is defined as “any person who is hired or contracted by a local agency in a temporary or permanent capacity for the purpose of inspecting construction for structural, seismic safety, fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.”
- Building Official is defined as “the individual invested with the responsibility for overseeing local code enforcement activities, including administration of the building department, interpretation of code requirements, and direction of the code adoption process.”

CCA is delegated to provide these services to the 32nd DAA. In the event CCA opts to not manage a Project, the 32nd DAA is responsible for meeting the legal requirements for Construction Inspector, Plans Examiner, and Building Official.

There appear to be a number of areas where disconnects appear to have developed between the way the 32nd DAA does business and the common way that public construction projects are performed.

- **Disconnect #1: The very definition of what is considered a construction project.** The way the term is typically used in public works projects and in the law is much broader than it is used at the 32nd DAA. Construction projects encompass anything done by a licensed construction contractor and includes over forty-five categories licensed by the Contractors State License Board including carpenters, low voltage systems, fire protection, and landscaping, among others. Paving and asphalt repair are listed as categories licensed by the Contractors State License Board. Paving and asphalt repair are construction projects.
- **Disconnect #2: An understanding of the sources of regulations.** The California Building Standards Code and other statutes are the “floor” or legal minimum of what must be done. The 32nd DAA is able to impose tighter standards for construction if warranted. Gaps in the codes and statutes such as standards for paving and asphalt repair are closed by agencies such as OCTA and CalTrans and cities which adopt standards for these types of construction.
- **Disconnect #3: Failure to address the California Americans with Disabilities Act:** California has additional, stricter standards for access, beyond the Federal Americans with Disabilities Act (ADA), which apply to all public facilities which means the entire 32nd DAA property. The 32nd DAA needs to address these issues and embrace compliance, rather than avoiding compliance as a cost saving measure.

We believe the goal, which best serves the public interest is to have a robust process which complies with legal requirements and protects the members of the public who use the 32nd DAA property. Here are some ideas for starting the needed changes:

- Have a discussion with, and tap into the experience of, Vice Chair Doug La Belle, who as a former city manager oversaw the work performed by public works departments which manage construction projects.
- Invite participation by knowledgeable, interested members of the public. Our organization alone has members who have decades of experience in construction management,

construction engineering, and construction inspection who would be willing to share their experience and insight with you and the Board.

- Discuss with CCA the services which can be provided and how to access those services, including requesting that CCA provide an educational seminar to educate staff and Board members about CCA's services and roles.
- Consider a two-stage process for approval of new capital projects: a plan stage where funding is made for the planning stage, and planning and plan review is performed in conjunction with CCA; and an implementation stage to be completed after the planning stage. These two stages could be budgeted as separate items. Many organizations that have implemented this two stage approval process have found that it enables them to identify scope, implementation, and budget issues while in the planning stage and it minimizes surprise and upset by the public because the plans for what is being approved are completed. It also creates a natural point at which a fully planned and budgeted project may be presented to the Board.
- If the 32nd DAA self-manages a project, include processes to ensure that work to be performed by the 32nd DAA is compliant with the legal requirements for meeting building standards.
- If CCA is unable to provide services, find out what are legally acceptable alternatives such as contracting with a city or an independent engineering consultant for Plans Examiner, Construction Inspector, or Building Official Services.
- Adopt construction standards for paving, paving repair, and other areas where state standards may be insufficient for the 32nd DAA or may not exist. Other cities and agencies may have standards which are already written and proven to work which can be adopted by the 32nd DAA.

We are confident that changes can be made to allow the 32nd DAA to comply with the California Building Standards Code and other requirements going forward so long as there is a commitment by 32nd DAA management to do so.. This is about creating and maintaining safe public facilities.

Sincerely,



Reggie Mundekis
President, Friends and Neighbors of
the Orange County Fairgrounds

Enclosures:

- “It's Your Building Department: A Resource for City and County Elected Officials and Managers,” 4th Edition, publ'd by Cal. Building Standards Commission, July 2019.
- CCA Fee for Service Matrix

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IT'S YOUR BUILDING DEPARTMENT

A resource for city and county elected officials
and managers



**4th Edition
July 2019**



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Introduction

This publication is developed and distributed by the California Building Standards Commission (CBSC) for the purpose of assisting elected officials and executive managers of California's city and county governments to understand the responsibilities of their building department that are established in state law. This publication will identify many mandates of state laws regarding the responsibilities of the local building department, required personnel training and certifications, use of building permit revenues, and introduce the California Building Standards Code, Title 24, California Code of Regulations (Title 24).

This publication is designed to help prepare you to manage your building department with the purpose of assuring healthy, safe, sustainable and accessible buildings and grounds in your community. Most of the information herein applies to both general law and charter cities.

Find other educational materials at CBSC's website www.dgs.ca.gov/bsc:

- Introducing the California Building Standards Commission
- Guide to Title 24
- Guide to CALGreen – Nonresidential (California Green Building Standards Code, Part 11, Title 24)
- Guide for Local Amendments of Building Standards
- Guide to Filing the Building Permit Fee
- Code Book Fundamentals
- Maintaining Your Title 24
- Frequently Asked Questions
- Glossary of Terms
- A Public Guide to the Building Standards Adoption Process

Chapter 1: Why Building Departments Are Necessary

The simple answer is that state law requires every city, county, or city and county, to enforce state law mandating specific requirements for buildings, and to enforce the California Building Standards Code, Title 24, California Code of Regulations (Title 24). The traditional means for local government to carry out this enforcement mandate is to have a building department. There are several other mandates of state law that will be presented in this publication. Notwithstanding the requirements of state law, your community deserves to have safe, accessible, efficient and sustainable buildings.

The California legislative process has resulted in state laws with the intent of ensuring that new and existing buildings provide cost-efficient operation, safeguard the environment, and provide safe, healthy, and accessible environments for human occupancy and habitation. Examples include:

1. Laws regarding historical buildings requiring present-day safety and accessibility while preserving historical significance.
2. Laws addressing the thousands of unreinforced masonry buildings that were constructed at a time when resistance to seismic motion was not a major consideration.
3. Cities and counties in the coastal regions of California are required by state law to identify all potentially hazardous buildings and to establish a program for the mitigation of those buildings.

Over the past several decades, a number of changes have occurred that present challenges for designers and owners of buildings, and for local building departments. For one, the Americans with Disabilities Act of 1990 (ADA), a federal law, is now nearly 30 years old. While the ADA's federal standards (such as its Access Guidelines) impact new construction, the standards also affect existing buildings when repaired, altered or added to. There are thousands of retail, office and assembly buildings that were constructed prior to the passage of the ADA. California has enacted laws and building standards for accessibility in new and existing buildings that are intended to be equal to, or more restrictive than, the federal ADA

standards. Your building department personnel must be trained and ready to work with designers and property owners wishing to renovate or change the use of an existing building, and incorporate accessibility improvements as provided for in federal and California law, as well as the building standards in Title 24. These accessibility laws and codes provide specific requirements and exceptions for existing and historical buildings. When the standards are applied incorrectly, significant unnecessary costs may result or accessibility may not be provided where it should be.

There are separate federal and California laws and building standards concerning accessibility that apply to multifamily dwellings and publicly funded housing. These requirements apply to new construction, and to some projects at existing multifamily dwellings constructed after March 13, 1991. Multifamily dwellings constructed after that date may be subject to current accessibility standards when common areas are improved or alterations are made to existing facilities. Personnel trained and certified in the accessibility laws and building standards will be able to apply the standards correctly.

The laws establishing accessibility requirements in public buildings and multifamily dwellings are structured to provide that accessibility as a civil right, and the failure to provide accessibility is an act of discrimination that will likely result in costly litigation.

Energy efficiency standards (California Energy Code, Part 6, Title 24) did not exist for thousands of buildings built in the 1970s and before. The need for energy conservation has increased, so energy standards have become more and more restrictive with each edition of Title 24 (issued every three years).

The adoption of emergency building standards imposes new construction requirements, such as building standards affecting exterior elevated elements that were implemented in response to the collapse of an exterior balcony in Berkeley, California. Emergency building standards are not common, however when implemented, immediate enforcement by building departments is often necessary.

Mandatory green building standards (California Green Building Standards Code (CALGreen), Part 11, Title 24) became effective on January 1, 2011. CALGreen

imposed new requirements at construction sites for material selection, water conservation, and more, necessitating training in a whole new code and way of thinking for design professionals, builders, and building department personnel responsible for enforcement.

Governor-issued executive orders or declarations of a state of emergency can affect building departments. These impacts often necessitate redirection of and/or the need to obtain additional resources such as staff and/or equipment. Disasters, including seismic events, fires or flooding, can necessitate that a building department's staff immediately respond to evaluate buildings and structures, and to determine whether they remain suitable for human occupancy due to the damage sustained. Building departments provide a crucial service protecting the public during and after these types of events.

These are only a few of the important laws and building standards to be enforced by your building department. Only a properly staffed and trained building department is able to effectively carry out activities to accomplish the intent of federal and state law, and the building standards adopted to implement requirements of law.



Chapter 2: The State Laws and Regulations

This chapter will cover state laws and state regulations in general, and how to access them using the state's websites. It will also provide identification of various state laws and regulations relating to the operation of a local building department, and the design, construction and use of buildings. Referenced state laws are available at the [California Legislative information website](https://leginfo.legislature.ca.gov/faces/codes) at <https://leginfo.legislature.ca.gov/faces/codes>. Referenced state regulations are available at the [Office of Administrative Law \(OAL\) website at](http://www.oal.ca.gov) www.oal.ca.gov. The OAL website provides access to all titles of the California Code of Regulations. Since Title 24 is reserved for building standards published by CBSC, the OAL website provides a link to the codes shared on [CBSC's website](http://www.dgs.ca.gov/bsc/codes) at www.dgs.ca.gov/bsc/codes. This is explained in more detail later.

Introduction of State Laws

California state laws are enacted through California's legislative process involving the senate and assembly of the legislative branch of state government, and the governor and secretary of state in the executive branch of state government. The laws are divided into 29 separate codes, each with an identifying name such as the Health and Safety Code, Government Code, Penal Code, Civil Code and Public Resources Code. A listing of the 29 codes of state law is available at the [California Legislative Information website](https://leginfo.legislature.ca.gov/faces/codes).

Introduction of State Regulations

State regulations are promulgated by agencies of the executive branch of state government for the purpose of interpreting, implementing, clarifying and carrying out the intent of state law. The regulations are contained in the California Code of Regulations available at the [Office of Administrative Law \(OAL\) website](http://www.oal.ca.gov). As previously mentioned, Title 24 can be found on [CBSC's website](http://www.dgs.ca.gov/bsc/codes) on the Codes tab.



The California Code of Regulations is subdivided into 28 separate title numbers and each title number is also given a name. For example, Title 13 is named Motor Vehicles and Title 19 is called Public Safety. Most titles reveal the general subject of the regulations. Some titles are reserved for the regulations of just one state agency, like Title 25 for the Department of Housing and Community Development (HCD).

Health and Safety Code: The Health and Safety Code (HSC) is one of the 29 codes that make up California state law enacted through California's legislative process. The HSC contains more than 130,000 sections organized into divisions. Divisions 12 and 13 include provisions regarding the design, construction, use and maintenance of buildings. Various provisions of the HSC will be referred to throughout this publication. The mandates for several state agencies to develop building standards and for local governments to enforce building standards are found in the HSC.

California Building Standards Law: This name refers to the portion of state law within HSC, Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work of CBSC and how building standards are to be adopted and published. It also mandates that the California Building Standards Code, Title 24, California Code of Regulations, applies to all building occupancies throughout the state.

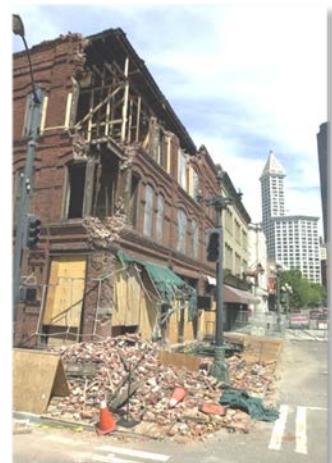
State Housing Law: This name refers to the portion of state law within HSC, Division 13, Part 1.5, commencing with Section 17910. It establishes responsibilities for the Department of Housing and Community Development (HCD) and the Office of the State Fire Marshal (SFM) to develop building standards for housing structures, including hotels, motels, lodging houses, apartments, condominiums and dwellings. It also mandates enforcement of the State Housing Law provisions, and the building

standards adopted pursuant to the State Housing Law, by every city, county, or city and county within this state.

Government Code: The Government Code is another of the 29 codes of California state laws. Sections 4450 through 4460 in a portion of the Government Code titled *Access to Public Buildings by Physically Handicapped Persons* establish requirements for building accessibility. The provisions establish the authority for the California Division of the State Architect (DSA) to develop building standards and regulations for publicly funded buildings, publicly funded sidewalks and curbs, public accommodations and commercial facilities. The building standards for accessibility developed by DSA are located in Title 24.

Note: HSC Sections 19952 through 19959 establish the requirement for accessibility in privately owned buildings open to the public, and for DSA to develop the building standards for accessibility in such buildings.

Earthquake Protection Law: There are two state laws that address buildings and their resistance to earthquakes. The first is known as the Earthquake Protection Law (Health and Safety Code in Division 13, Part 3, commencing with Section 19100). The law establishes the requirement that all buildings be designed to resist lateral forces from seismic motion, and allows local government to enact local requirements to mitigate the risk from existing buildings, such as unreinforced masonry buildings and others not designed in consideration of seismic motion.



The other state law regarding earthquake safety is in Government Code, Title 2, Chapter 12.2, commencing with Section 8875. This law requires cities and counties to identify potentially hazardous buildings, as defined, and establish a local mitigation program. Further, the owner of a building identified as a potentially hazardous building must post a written notice in a conspicuous location to warn the public as to the potential hazard during an earthquake.

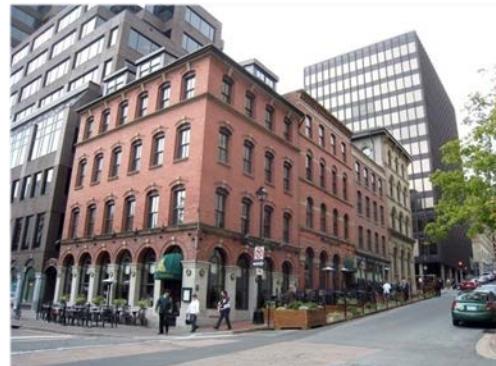
California Building Standards Code: This name refers to the building standards located in the 13 parts of Title 24 as published by the California Building Standards Commission (CBSC). Building standards are state regulations developed by various state agencies in the executive branch of state government, and they govern the design and construction of buildings, including equipment and accessories associated with those buildings. Although developed by state agencies, building standards are usually enforced by local government entities. Additionally, the Division of the State Architect and the Office of the State Fire Marshal enforce standards under their jurisdiction. Some of the state agencies that develop building standards for Title 24 are the Division of the State Architect, the Office of the State Fire Marshal, the Department of Housing and Community Development, the Office of Statewide Health Planning and Development, the California Energy Commission and CBSC.



Note: CBSC provides a *Guide to Title 24* explaining the application and use of Title 24 on [its website](#). CBSC recommends that building department personnel download and/or print it and other relevant CBSC publications for reference.

State Housing Law Regulations: This is the name given to Chapter 1 in Title 25 of the California Code of Regulations. The provisions are adopted by HCD in order to implement, interpret, clarify and carry out the provisions of the State Housing Law in HSC Division 13, Part 1.5. The provisions relate to the construction, use, maintenance and change of occupancy of all hotels, motels, lodging houses, condominiums, apartment houses and dwellings.

State Historical Building Code. This is the name given the state law in HSC Division 13, Part 2.7, commencing with Section 18950. The intent of this law is to provide means for the preservation of historical buildings while providing reasonable safety from fire and seismic forces, and availability and usability by persons with disabilities. This law establishes the State Historical Building Safety Board as a unit within the Division of the State Architect to develop building standards for historical buildings. The standards are found in Part 8 of Title 24, which is named the California Historical Building Code.



Chapter 3: Mandates for Local Government

Following are summaries of some of the most important mandates of state laws regarding the operation and responsibilities of a local building department (refer to the referenced law or regulation for complete language).

1. Must enforce state laws and Title 24.

The building department of every city, county, or city and county shall enforce the following:

- Specified provisions of the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901, and the implementing of building standards in Title 24. Reference: HSC Sections 17960, 17961 & 18948.
- State Housing Law (HSC Division 13, Part 1.5), and implementing regulations of Title 25, Chapter 1, pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of hotels, motels, lodging houses, condominiums, apartment houses and dwellings. Reference: HSC 17960.
- The earthquake protection laws applicable to hazardous buildings, seismic retrofitting, seismic gas shutoff devices, water heater bracing, posting of buildings that are potentially dangerous during seismic motion, and more. Reference: HSC Division 13, Part 3, commencing with Section 19100, and Government Code, Title 2, Chapter 12.2, commencing with Section 8875.

Local adoption of currently published provisions (and repeal of outdated editions) of Title 24 as ordinance, allows a local jurisdiction to codify a complete regulation for its unique community.

The usual means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading plans prior to permit issuance to observe that the plans will result in a building that complies with requirements applying to structural safety, energy conservation, green technology, fire and life safety, accessibility, and with

appropriate plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections, if any, to the plans and specifications. Plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform reviews of structural plans and supporting calculations. Other subjects may be reviewed by certified plan examiners, or registered structural engineers, civil engineers and/or architects.

Inspections during various construction phases are to be performed by personnel holding a building inspection certification issued by the International Association of Electrical Inspectors, International Association of Plumbing and Mechanical Officials, International Code Council, National Fire Protection Association, or similar organizations. Personnel qualifications are discussed in more detail in Chapter 6 of this publication.



2. Must file local building code requirements (ordinances) with the state.

State law requires local government to enforce Title 24 (where no state agency has authority to do so). The law also allows local government to enact local requirements, often called local amendments (also known as ordinances) to Title 24. These local amendments must be reasonably necessary based on local climatic, geological, topographic or environmental conditions. When a city, county, or city and county enacts local amendments, a copy of the local amendment along with an express finding that such amendment is reasonably necessary because of local climatic, geological, topographic or environmental conditions, must be filed with CBSC. No local amendment is enforceable unless filed with CBSC. However, if the

amendment is by a local fire protection district, it must be ratified by the local legislative body and filed with HCD rather than CBSC. Reference: HSC Sections 13869.7, 17958, 17958.5, 17958.7, 18941.5 and 18944.31.

Note: Assistance with enacting and filing of local amendments is available at [CBSC's website](#). Our *Guide for Local Amendments of Building Standards* provides information that is essential for enacting local amendments to Title 24. A webinar produced by ICC regarding the local amendment process is also available to view via our website.

3. Permit fees are for code enforcement and designated purposes.

- Every city, county, or city and county may establish fees to offset the cost of enforcement of the building codes. Such fees for permits and enforcement activities shall not be levied for general revenues. Reference: HSC Sections 17951 and 19132.3.
- Every city, county, or city and county shall return fees paid for inspection if the inspection is not performed within 60 days of the request for inspection. Reference: HSC Section 17951 (d).
- Each city, county, and city and county shall collect a fee from the applicant for a building permit to be remitted to CBSC. The fee shall be at the rate of \$4 per one hundred thousand dollars of permit valuation, but not less than \$1 per permit. Reference: HSC Section 18931.6 and California Administrative Code (Part 1, Title 24) Chapter 1, Article 5.
 - The local jurisdiction may retain not more than 10 percent of this collected fee for related administrative costs, and for code enforcement education.

Note: [CBSC's Guide to Filing the Building Permit Fee](#) is available on [our website](#).

4. Must employ certified personnel.

State law requires the personnel of a local building department to be certified for the code enforcement work to be performed. This requirement is discussed further in Chapter 4 of this publication. Reference: HSC Sections 18949.25 through 18949.31.

5. Personnel must have continuing education.

State law requires each building official, plan examiner and building inspector to obtain 45 hours of qualified continuing education in each three-year period with at least 8 hours regarding disabled access requirements. This matter is discussed in Chapter 4 of this publication. Reference: HSC Sections 18949.25 through 18949.31.

6. Must not have excessive plan review backlogs.

When plan checking of residential plans requires more than 30 days, or 50 days for all other buildings, the building department shall make plan checking available by private plan checking entities. Reference: HSC Sections 17960.1 and 19837.

7. Must have an appeals board.

- Every city, county, or city and county shall have a **local appeals board** to hear appeals regarding building requirements. Reference: HSC Section 17920.5. Alternatives are provided.
- Every city, county, or city and county shall have a **housing appeals board** to hear matters relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, condominiums and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair and demolition. Reference: HSC Section 17920.6. Alternatives are provided.

8. Must have a local soil report ordinance.

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report by a registered civil engineer of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code. Reference: HSC Section 17953 through 17957. Exceptions are provided.

9. Must have codes on hand.

Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings, published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. Reference: HSC Section 18942(e). An exception is provided.

10. Must maintain building plans.

The building department of every city, county, or city and county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the building department issued a building permit. Reference: HSC Section 19850 and 19851. Exceptions are provided.



Chapter Conclusion

In this chapter we have listed just ten examples of mandates in state law applying to the operation of a local building department. There are many other requirements in law specific to buildings that must also be enforced by the local building department. There are requirements regarding use of materials, carbon monoxide devices, water saving toilets and urinals, methods of construction, relocated buildings and more. Many requirements have been incorporated into building standards in Title 24.

Building departments must be aware of the requirements of state law relating to the design, construction, use and maintenance of buildings and accessories to buildings. Generally, reference HSC Division 13, Parts 1.5, 2, 2.1, 2.3, 2.5 and 3 which are all available at the California [Legislative Information website](#).

Chapter 4: Required Personnel Certification and Training

Certification: Health and Safety Code (HSC) Section 18949.28 reads in part, "*All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency.*"

Subdivision (b) exempts employees who were employed two years before the enactment of Section 18949.28 (added by Chapter 623 of the 1995 Statutes, effective January 1, 1996).

The discipline(s) covered by certification(s) shall be closely related to an employee's primary job function, as determined by the employing local agency. There are numerous certifications that attest to a person's skills and knowledge necessary to perform building plan examination and/or building inspection.

California licensed architects and engineers performing plan examination, construction inspections or building official duties are exempted from the certification requirements of HSC Section 18949.28. However, it is a good practice to require engineers and architects to have training in building codes.

California Civil Code Section 55.53 requires local government to employ or retain the services of at least one building inspector who is a Certified Access Specialist (CASp) on and after July 1, 2010. Further, this state law requires that a sufficient number of building plan examiners and inspectors are employed or retained to carry out plan reviews and inspections for enforcement of accessibility codes by July 1, 2014. The Division of the State Architect (DSA) administers the CASp program, including conducting examinations, pursuant to Government Code (GC) Section 4459.5.

Reference: HSC Section 18949.28, Civil Code Section 55.53 and GC Sections 4459.5 through 4459.8 for the details on the CASp program. Considerable information about the CASp program is available at [DSA's website](#) at

www.dgs.ca.gov/DSA/Services/Page-Content/Division-of-the-State-Architect-Services-List/CASp.

Training: Training is essential to the professional and efficient operation of a building department in order to serve the public appropriately. And, state law in HSC Section 18949.29 requires 45 hours of continuing education every three years for all inspectors, plan examiners and building officials. Eight of those hours must be in subjects relating to accessibility requirements.

There are a number of organizations and associations that provide training and certification by examination on building codes and related subjects such as how to conduct inspections, material tests and plan reviews. Training is available in the form of seminars, online classes, and workbooks with lessons and exercises. Some colleges also offer courses on building codes, plan examination and building inspection.

Some organizations that offer training are:

- [California Building Officials \(CALBO\)](http://www.calbo.org) at www.calbo.org
- [International Association of Electrical Inspectors \(IAEI\)](http://www.iaei.org) at www.iaei.org
- [International Association of Plumbing and Mechanical Officials \(IAPMO\)](http://www.iapmo.org) at www.iapmo.org
- [International Code Council \(ICC\)](http://www.iccsafe.org) at www.iccsafe.org
- Individual Chapters of the ICC. A listing of chapters in California is available at the [ICC website](http://www.iccsafe.org). Each chapter is independent and may have different educational programs. Many chapters have their own website.
- [National Fire Protection Association \(NFPA\)](http://www.nfpa.org) at www.nfpa.org

IAEI, IAPMO, ICC and NFPA offer certification by examination programs.



State agencies such as CBSC, HCD and DSA may offer training on building standards within their respective jurisdictions. Training opportunities are announced in newsletters, on the agencies' websites, and by the organizations discussed above.

HSC Section 18949.31 requires the local government employer to bear the cost of required certifications and continuing education. Further, this state law allows a local government to adjust building permit fees to cover the cost of the certification and education of personnel.

CBSC recommendation: For each building department employee, maintain a record of training needed to perform assigned duties, provide courteous and efficient public service, and satisfy the continuing education requirements of HSC Section 18949.29 and Civil Code Section 55.53, and then use this to track completed training.



Chapter 5: Suggested Personnel Qualifications

The search for and selection of qualified personnel is a critically important task for any employer, including governmental agencies. Personnel hired to perform building permit issuance, plan review, building inspection, and management of building department operations must have appropriate training and experience. The hiring decision is critically important and has impact on public service and safety. For these reasons, CBSC provides the following suggested guidelines.

1. Building Official and Assistant Building Official

Desirable Experience:

- Administration of a building department
- Acted as a building inspector and/or plans examiner
- A licensed architect or engineer within a building department
- Worked as a building contractor

Desirable Education:

- High School
- College
- Or the equivalent by training and experience

Desirable Credentials:

- Certified as a Building Official or Code Administrator by IAPMO, ICC or other appropriate organization
- Certification(s) as an inspector and/or plans examiner
- Engineers and architects should be licensed in California and hold additional IAEI, IAPMO, ICC, NFPA or CASp certifications

2. Plans Examiner

Desirable Experience:

- Building inspector, architect, or engineer
- Builder
- Preparation of building plans

Desirable Education:

- High School
- Community college degree in Building Inspection Technology
- College

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified CASp by DSA

3. Senior Building Inspector

Desirable Experience:

- Administration of a building department
- Five years as a building inspector with some plans examiner experience
- Preparation of building plans

Desirable Education:

- High School or more
- Community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified CASp by DSA

4. Building Inspector (Entry Level)

Desirable Experience:

- Worked as a building contractor or in the building trades
- Understanding of construction plans

Desirable Education:

- High School
- A community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization

Note: HSC Section 18949.28 allows certification(s) deemed appropriate by the employing building department to be obtained by the employee within one year of employment.

5. Building or Permit Technician

Desirable Experience:

- Administrative duties within a building department

Desirable Minimum Education:

- High School
- Training on building permit issuance

Desirable Credentials:

- Permit or Building Technician certification by ICC or other appropriate organization

These qualifications are just suggestions. They are not a minimum standard, nor is it necessary that a candidate must have all of the experience and certifications cited. Each local government agency must assess its own needs, conditions and availability of candidates.

Many local jurisdictions advertise their available building department positions on the websites of the International Code Council (ICC), ICC Chapters and CALBO.

Conclusion

We hope you have found this publication helpful and that you better understand the mandates placed on your building department. We urge you and your staff to become acquainted with [CBSC's website](http://www.dgs.ca.gov/bsc) at www.dgs.ca.gov/bsc and the educational resources available. You are welcome to download or print out the materials for yourself, your staff and especially newly hired personnel.

The following websites may also be useful to you and your building department staff:

- [California Legislative Information website](https://leginfo.legislature.ca.gov/faces/codes) (state laws and activities of the legislature): <https://leginfo.legislature.ca.gov/faces/codes>
- [California Code of Regulations](http://www.oal.ca.gov): www.oal.ca.gov
- [Department of Housing and Community Development](http://www.hcd.ca.gov): www.hcd.ca.gov
- [Division of the State Architect](http://www.dgs.ca.gov/DSA): www.dgs.ca.gov/DSA
- [Office of the State Fire Marshal](https://osfm.fire.ca.gov): <https://osfm.fire.ca.gov>
- [Office of Statewide Health Planning and Development](http://www.oshpd.ca.gov): www.oshpd.ca.gov
- [California Energy Commission](http://www.energy.ca.gov): www.energy.ca.gov
- [California Commission on Disability Access](http://www.dgs.ca.gov/CCDA): www.dgs.ca.gov/CCDA
- [State Historical Building Safety Board](http://www.dgs.ca.gov/DSA/About/collaborative_task_forces/Page-Content/shbsb):
www.dgs.ca.gov/DSA/About/collaborative_task_forces/Page-Content/shbsb
- [California Architects Board](http://www.cab.ca.gov): www.cab.ca.gov
- [Board for Professional Engineers, Land Surveyors and Geologists](http://www.bpelsg.ca.gov):
www.bpelsg.ca.gov

Contact our office any time you have questions relating to your building department's responsibilities or the application of Title 24. Written comments and suggestions regarding this publication are welcomed so that future editions will be even more informative. Suggestions can be sent via email to cbsc@dgs.ca.gov or mailed to:

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2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

CFFA Fee For Services

| Design Development | Construction Development | Bidding Process | Construction (%) |
|--|---|--|--|
| Time & Materials \$300 minimum | Time & Materials | Time & Materials | Total Construction Budget (\$) Project Fee (%) |
| Construction Manager - \$125/hr. Project Manager - \$98/hr. Administration Services - \$65/hr. Professional Services* Travel* Reimbursable* | Construction Manager - \$125/hr. Project Manager - \$98/hr. Administration Services - \$65/hr. Professional Services* Travel* Reimbursable* | Construction Manager - \$125/hr. Project Manager - \$98/hr. Administration Services - \$65/hr. Professional Services* Travel* Reimbursable* | 0-25000 T & M 25001-75000 12% 75001-150000 11% 150001-300000 10% 300001-450000 10% 450001-600000 10% 600001-750000 9% 750001-950000 9% 950001-1.2 Million 9% > 1.2 Million TBD |
| Design Development Scope Design Elements Feasibility Study Project Parameters Project Conception Site Plan Preliminary Design Type of Construction Rough Cost Estimate Special Studies | Construction Development Scope Approved Scope Building Analysis Design Drawings & Details Specifications Materials Selection Constructability Review Code Compliance Review Other Agency Review Engineering Estimates | Bidding Process Scope Bid Management Contract Documents Construction Documents Project Solicitation Pre-Bid Meetings RFC/Addendum Process Contractor Evaluation Public Works Compliance Award Recommendation | Construction Scope Inspections Project Management Construction Oversight Schedule Management Administration Services Consultants Budget Management Public Record Requests Special Purchasing DIR Management Special Program Management |

Professional Services, include Architect, Consultants, Third Party (Legal, Special Reviewers, Geotechnical, Fire Protection, Analytical, etc.).

*: All Direct Costs and Reimbursed Expenses at Cost plus 3% handling fee.