

MINUTES

Virginia Plumbing & Mechanical Inspectors Association

Board Meeting #3

Louisa County

February 26, 2016

President Harper called the meeting to order at 10:00 a.m.

In attendance:

Robert Adkins, Bill Aldridge, James Anjam, Thomas Clark, Ron Clements, Richard Grace, Skip Harper, Brian Helms, Vic Hines, Wayne Kushner, Dennis Martinelli, Dustin McLehaney, Bill Mercer, Donald Mimms, Sandi Morris, Jay Otto, Emory Rodgers, Jon Sargeant, John Seay, Don Surrena, Richard Witt

Meeting was started with the Pledge of Allegiance

Determination of Quorum:

Agenda Approval: Agenda approved, unchanged

Report of Officers:

President: No report

Vice President: No report

Secretary: See attached

Treasurer: See attached

Executive Secretary: See attached.

Ex-Officio Committees:

ICC: Code change hearings are in Louisville Kentucky April 17-24. IRC, Energy, Admin and Fire will be on the agenda. ICC is now allowing you to convert your certifications to ICC certifications. ICC has received information that allowing certifications to be converted to ICC certifications does not hurt ICC's credentials. The cost is \$485 and that is for one certification or all of your certifications. Virginia only requires that you have state certification. The advantage to having ICC certifications is they are recognized everywhere.

ICC Region VII: See attached

DHCD: CDP is having some issues where it is timing people out while they are working on the site. They are working on resolving these issues. Tracy Fitzgerald is the new training coordinator at DHCD. She will be assisting Charlotte. DHCD is looking to hire a second training development specialist as well. DHCD is in the final stages for the Rehab class. They will be doing a dress rehearsal and then the pilot. The Division of Building Code Fire and Regulation has reposted the job opening for the Director of State and Building Code. This opening will remain posted until the job has been filled.

DPOR: There is a NORA out currently for maintaining licenses but not doing any work. DPOR is looking at establishing an enhancement on the inactive status.

Standing Committees:

Advertising/Yearbook: Bill solicited for further advertising and requested it be sent to him

Auditing: No report

Awards: All nominations are complete as well as the awards

Bylaws: See attached

Certification/Education/Training: Classes are almost all in place for the upcoming SOI. Wednesday there will be four separate classes. Two have been submitted to ICC's preferred provider and still waiting on the syllabus from the other two but the slots have been filled. Thursday we will be using the ICC Chapter Education voucher. ICC will be teaching the significant changes to the 2015 Plumbing, Mechanical and Fuel Gas codes. This is a six hour event which is an all day class.

Legislative: See attached

IT/Website: No report

Nominating: See attached

PMG Code Change Committee: See attached

School of Instruction: Next SOI is March 30th, 31st and April 1st in VA Beach. There was some discussion on where next SOI would be held. It looks as if it will be held in the southwest portion of the state. Hiring an event planner to take care of the conferences hotels, meals, equipment, etc. was discussed. Future discussion will be held on this subject.

Time and Place: Graves meeting is July 22nd. There was also some discussion about being able to pay for these events with a credit card. John Seay stated that his locality would not cut checks in

the future and would like the option to pay by credit card. James Anjam will look into these credit card scanners for your phone or computer.

Ad Hoc Committees:

BCAAC: Next meeting will be March 4th at the VA Housing Center

Building Safety Month: Happens in May

Virginia Code Education Conference: No report

VBCOA Liaison: See Attached

Old Business:

Jon Sargeant, Vic Hines and Jay Otto are associate members that will put together procedures for writing resolutions. James Anjam and Dustin Mclehaney will be VPMIA representatives on the ICC 2018 committee.

New Business:

John Seay made a motion to cover the hotel room cost for Guy Tomberlin. Richard seconds the motion. Vote taken, motion carries. VPMIA will also cover Guy's registration fee.

Other Business:

Job Policy has been completed. Discussion was held explaining the additions to the Job Policy from President Harper. Rick made a motion to approve the Job Policy as amended and Dennis seconds the motion. Vote was taken and Job Policy was approved as amended. Discussion was held about having a secondary bank card for the executive secretary for emergency purposes. The board agreed it was a good idea. No vote was taken but was stated to be addressed with the next in coming treasurer. A donation for the Ladies Auxiliary was discussed. It was decided that we would wait until the SOI to see who attends from the Ladies Auxiliary.

Adjourn: 2:00 p.m.

Secretary's Report
February 26, 2016

Update on the tax exempt status- The paperwork is complete and has been given to James to sign and write the appropriate check amount for money owed to the IRS. The cost breakdown is as follows:

Lobbying tax in the amounts of \$350.00, \$350.00, \$525.00 and \$700.00

Tax exempt filing cost \$850.00

Total to IRS \$2775.00

Total cost for CPA \$2350.00

William D. Satchell, CPA, PC

808 Moorefield Park Drive · Suite 104 · North Chesterfield Virginia 23236 · (804) 355-3300 · Fax (804) 330-5822
E-mail: wsatchell@satchellcpa.com

Invoice #: 2015107
Date: 01/29/16

Invoice submitted to:

Virginia Plumbing and Mechanical Inspectors Association
c/o Geary Showman
1221 St. Luke Road
Woodstock, VA 22664

FOR PROFESSIONAL SERVICES rendered
in connection with the following:

	<u>Amount</u>
Completion of Federal Forms 990-EZ, Return of Organization Exempt From Income Tax, for tax years 2007 through 2014	1,500.00
Completion of Federal Form 1024 - Application for Recognition of Exemption Under Section 501(a) - Retroactive Reinstatement	850.00
For professional services rendered	<u>\$2,350.00</u>

Thank you for the opportunity to be of service

DUE UPON PRESENTATION
1% Service Charge on Accounts over 30-Days Past Due.

We now accept Visa, MasterCard, and American Express credit cards.
Please call the office to make payment by credit card.

VPMLA

2/15/2016 1:13 PM

Register: Checking

From 05/01/2015 through 02/15/2016

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
05/14/2015	Transfer	Saving account transfer	Richmond Fund		10,000.00			36,752.02
05/21/2015		service charge	service fee	BB&T	4.00			36,748.02
05/22/2015	DEP	Yearbook Ads	Program Income:Yearb...	2015 Yearbook...			200.00	36,948.02
06/03/2015	1497	Holiday Inn north Be...	2016 SOI	2016 SOI Depo...	600.00			36,348.02
06/09/2015		Membership Dues	membership renewal	Chesterfield, C...			80.00	36,428.02
06/12/2015		BOD Meeting	BOD Lunch	BOD lunch	91.84			36,336.18
06/12/2015	1498	DHCD	Conference Program	Emery Rodger ...	500.00			35,836.18
06/12/2015	1499	BOD Meeting	reimbursement to Skip ...		36.35			35,799.83
06/12/2015	1500	VA Governer Housin...	Other Types of Expens...	VAGHC	500.00			35,299.83
06/16/2015	1501	VBCOA	Other Types of Expens...	Libbyist	1,000.00			34,299.83
06/22/2015		service charge	Bank Service Charge		4.00			34,295.83
07/06/2015	Deposit	DHCD	stipend from DHCD	Long Beach tra...			6,000.00	40,295.83
07/14/2015	Deposit	transfer from PayPal ...	graves mountain SOI	Graves Reg			359.55	40,655.38
07/17/2015	Deposit	Graves Mountain Lo...	graves mountain SOI	Chesterfield co...			75.00	40,730.38
07/17/2015	1502	CNA Surety	Dishonesty bond	2015 Bond	233.89			40,496.49
07/21/2015		service charge	Bank Service Charge		4.00			40,492.49
07/22/2015	Deposit	Graves Mountain Lo...	graves mountain SOI	Arlington, Spot...			225.00	40,717.49
07/31/2015	Bank Card	Graves Mountain Lo...	graves mountain SOI	Ballance Dues	966.13			39,751.36
08/03/2015	Deposit	Graves Mountain Lo...	graves mountain SOI	Payment for 19...			475.00	40,226.36
08/03/2015	Deposit	Membership Dues	Membership:Members...	new members			160.00	40,386.36
08/03/2015	Deposit	Merchandise Sale	Merchandise Sale	sale for 2 bags			30.00	40,416.36
08/03/2015	1503	VOIDED	Voided Check	VOID: Paul Ri...		X		40,416.36
08/07/2015	Deposit	Graves Mountain Lo...	graves mountain SOI	Robert Adkins			25.00	40,441.36
08/07/2015	1504	Refund	refund for over payment	Robert Adkins ...	25.00			40,416.36
08/20/2015	Bank Card	Website	Operations:Web Site	3 years domain...	359.64			40,056.72
08/21/2015		service charge	service fee		4.00			40,052.72
08/27/2015	Deposit	service charge	refund for over payment	Refund for serv...			4.00	40,056.72
08/31/2015	1505	ICC Conference	ICC Conference	Advance Richa...	1,800.00			38,256.72
09/18/2015	1506	ICC Conference	ICC Conference	Airfair David B...	350.20			37,906.52
09/21/2015	Bank Card	USPS	stamps	Postal stamps	9.80			37,896.72
09/26/2015	Bank Card	ICC Conference	ICC Conference	Shuttle for Anj...	100.00			37,796.72
10/05/2015	1507	ICC Conference	ICC Conference	Emory Rodgers...	1,000.00			36,796.72
10/05/2015	1508	ICC Conference	ICC Conference	Tom Clark LBS	2,000.00			34,796.72
10/05/2015	1509	ICC Conference	ICC Conference	Bob Adkins LBS	2,000.00			32,796.72
10/05/2015	1510	ICC Conference	ICC Conference	Shawn Strausb...	933.21			31,863.51
10/05/2015	1511	ICC Conference	ICC Conference	James Anjam L...	657.78			31,205.73
10/05/2015	1512	ICC Conference	ICC Conference	Richard Grace ...	96.78			31,108.95
10/07/2015	DEPOSIT	membership renewal	Membership:Members...	Membership du...			170.00	31,278.95
10/07/2015	1513	State Corporation: Co...	state corporation	Annual Reg	25.00			31,253.95
10/16/2015	Bank Card	Crestline	Promotional Items	Promotional fo...	328.46			30,925.49

VPMIA

2/15/2016 1:13 PM

Register: Checking

From 05/01/2015 through 02/15/2016

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
10/19/2015	1514	ICC Conference	ICC Conference	David Beahm ...	1,099.80			29,825.69
10/30/2015	Bank Card	BOD Meeting	BOD Meeting Lunch	BOD Lunch	70.31			29,755.38
10/30/2015	1515	Travel	reimbursement to Skip ...	Time Clock Plu...	188.19			29,567.19
10/30/2015	1516	Contribution	Continuing support	WICED of Vir...	500.00			29,067.19
11/30/2015	Bank Card	FTD	Flowers	Flower for dece...	82.97			28,984.22
12/01/2015	Bank Card	FTD	Flowers	Unable to deliv...			82.97	29,067.19
12/08/2015	Deposit	membership renewal	Membership:Members...	Two new mem...			120.00	29,187.19
12/14/2015	1517	ICC Region VII	membership renewal	2016 dues	100.00			29,087.19
12/30/2015	Deposit	membership renewal	Membership:Members...	Members rene...			80.00	29,167.19
01/06/2016	Bank Card	Amazon	Facilities and Equipme...	New Laptop fo...	375.90			28,791.29
01/06/2016	1518	Graves Mountain Lo...	graves mountain SOI	Deposit for 201...	100.00			28,691.29
01/12/2016	Deposit	membership renewal	Membership:Members...	Associate mem ...			320.00	29,011.29
01/12/2016	Deposit	membership renewal	Membership:Members...	Members rene...			110.00	29,121.29
01/12/2016	Deposit	membership renewal	Membership:Members...	Members rene...			3,640.00	32,761.29
01/12/2016	Deposit	membership renewal	Membership:Members...	Members rene...			1,120.00	33,881.29
01/12/2016	Deposit	membership renewal	Membership:Members...	Members rene...			1,360.00	35,241.29
02/03/2016	1519	ICC Program Sponso...	ICC	Preferd Provider	200.00			35,041.29
02/12/2016	Deposit	membership renewal	Membership:Members...	Membership re...			120.00	35,161.29
02/12/2016	Deposit	membership renewal	Membership:Members...	Membership re...			800.00	35,961.29
02/12/2016	Deposit	membership renewal	Membership:Members...	Membership re...			3,160.00	39,121.29
02/12/2016	1520	Membership Dues & ...	Membership	Mail out cost t...	306.10			38,815.19

From: Executive Secretary's Report
Date: February 17, 2016
Reference: February 26, 2016 BOD Meeting
To: Dustin McLehaney, VPMIA Secretary

The following is a report of Membership and 2016 dues.

Active Membership List-----350
Life Time Members-----20
Retired Members Paid Dues----- 2
Members Not Paid 2015 Dues-----23
Members Not Paid 2016 Dues-----50
Active Members Paid 2016 Dues----- 257

Associate Membership List-----49
Life Time Members-----10
Members Not Paid 2015 Dues-----16
Members Not Paid 2016 Dues-----9
Associate Members Paid 2016 Dues---- 14

New Active Member:

Robert L. Hewitt, Plumbing Inspector, with Virginia Beach.
Eldridge Reynard, Plans Examiner II, with Newport News.
Afsoun Khatibi, Elevator Permit Tech, with Arlington County.
Jeffery Kinney, Construction code Inspector, with Arlington County.
Penny Samuda, Code Enforcement Inspector, with Arlington County.
Tracy Fitzgerald, Training and Development, with DHCD.
Charlotte Carter, Training and Development, with DHCD.
Chris Southerland, Plumbing Inspector, with Prince William County.
John R. Payne, Plumbing Inspector, with Loudoun County.
Steven Hough, Mechanical Inspector, with Loudoun County.
Robert K. Polk, Plumbing Inspector, with Loudoun County.
Cindy Middleton, Code Inspector, with the City of Winchester.
Sherry Simpson, Code Inspector, with the City of Winchester.
Victoria Palmerton, Building Code Official, with the City of Winchester.
Jack W. Smith Jr., Code Enforcement Official, with the County of Accomack.
Tod Belt, Plumbing Inspector, with the City of Norfolk.

New Associate Member:

Brian Helms, with Charlotte Pipe and Foundry Co. from Charlotte, NC.

If anyone has any questions or needs additional information, please feel free to contact me at 540-459-2789, c/phone 540-975-0782, or e-mail gshowman@shentel.net.

Thank You!

Geary W. Showman, CBO.
VPMIA Executive Secretary

To: VPMIA Board of Directors
From: Rick Witt, VPMIA ICC Region VII Representative
Date: February 24, 2016
Subject: ICC Region VII Report

ICC Region VII held their last meeting on February 18-19, 2015 in Hagerstown, Maryland. The following is a summary of the meeting highlights.

- On Thursday the 18th, a few proposed code changes were presented and discussed. Attendees offered comments and suggestions to the proposed changes as well as indicating initial support or lack thereof. Final Region VII positions will be determined at our next meeting which will occur after the posting of the Group B changes by ICC.
- On Friday the 19th, West Virginia took over the leadership of the Region from Virginia with Bob Cannon, City of Beckley being sworn in as Chairman by ICC Board member Bill Bryant. Mr. George Hollingsworth, of Virginia was presented a plaque recognizing his service as region chairman for 2015.
- Mr. Bill Bryant of Anne Arundel County Maryland announced that he will be running this year for ICC Secretary/Treasurer.
- Mr. Kris Bridges was given an award Region Chairman's Award for his service to the chairman and the region.

The next ICC Region VII meeting will be held on April 8th and 9th in Hagerstown at the Ramada Plaza Hotel. This meeting will focus on proposed code changes to be heard in Louisville, Kentucky. I encourage the chairman of the PMG committee to attend and present specific proposed code changes to the group. In addition, I encourage everyone to attend the Region meetings as it is a great venue to discuss and gain consensus on code changes and also network with other code officials in different states.

VBCOA/VPMIA 2016 Session LEGISLATIVE COMMITTEE REPORT (incomplete)

(Revised 02-25-16)

Thru- HB 1390, HJ 230, HR 112, SB 778, SJ 137, SR 36

The legislative committee met via conference on 1-19-16 and established the positions below. Conference call participants were: Skip Harper (VPMIA), Lewis Watts (region 4), David Beahm (region 3), Sean Farrell (region 5), Richard Bartell (region 7), Cindy Davis (DHCD), Kris Bridges (region 2), Ron Clements (region 6/chair), Emory Rodgers (VBCOA member), Kenney Payne (AIA). Art Berkley representing Region 8 could not make the call but concurred with the positions via email.

HB 134 Status- Tabled in committee

No Position- Not a building code (title 36) issued but watch.

Chief patron: Ward

Cutting of grass,weeds, and other foreign growth. Provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs, trees and other natural growth.

HB 187 Status- Failed to report from committee

No Position- Not a building code (title 36) issued but watch.

Chief patron: Taylor

New public school buildings; plans or blueprints; indoor active shooter gunshot detection and alerting system. Requires the plans or blueprints for the construction of a new public school building to include an indoor active shooter gunshot detection and alerting system.

HB 210 Status- Passed House and Senate

No Position- Changes and clarifications to the manufactured housing board.

Chief patron: LeMunyon

Housing; removal of obsolete provisions; correction of citation. Removes obsolete language regarding staggered terms for members of the Manufactured Housing Board and corrects a citation to the Housing Revitalization Zone Act (§ 36-157 et seq. of the Code of Virginia). This bill is a recommendation of the Virginia Code Commission.

HB 281 Status- Tabled in committee

No Position- This clarifies that a building permit is not exempt from FOIA; this is not needed but causes no harm.

Chief patron: R.G. Marshall

FOIA; exclusion pursuant to nondisclosure agreement; building permits. Removes any building permit submitted to a locality for final approval from an exclusion from the provisions of the Freedom of Information Act (FOIA) that otherwise protects confidential proprietary records of a private business pursuant to a nondisclosure agreement made with a public body.

HB 297 Status- Tabled in committee

No Position- Not a building code (title 36) issued but watch.

Chief patron: Austin

Assisted living facility; definition; number of individuals receiving care. Increases from four to seven, in the definition of "assisted living facility" as it applies throughout Title 63.2, Welfare (Social Services), the minimum number of individuals who are receiving care in a facility in order for the other requirements of the definition to apply.

HB 383 Status- Tabled in committee

No Position- This clarifies that a building permit is not exempt from FOIA; this is not needed but causes no harm.

Chief patron: R.G. Marshall

FOIA; exclusion pursuant to nondisclosure agreement; building permits; site plans. Removes any building permit submitted to a locality for final approval from an exclusion from the provisions of the Freedom of Information Act (FOIA) that otherwise protects confidential proprietary records of a private business pursuant to a nondisclosure agreement made with a public body and provides that any proposed plat, site plan, or plan of development that is officially submitted to the local planning commission for approval shall be considered a public record subject to disclosure under FOIA.

HB 558 Status- Passed House

No Position- We were asked by DHCD if we had any issue with this bill and we informed DHCD that we did not.

Chief patron: Orrock

Onsite sewage systems and private wells; evaluation and design. Directs the State Health Commissioner to develop a plan to eliminate evaluation and design services by the Department of Health for onsite sewage systems and private wells.

HB 648 Status- Passed House and Senate

No Position- We were asked by DHCD if we had any issue with this bill and we informed DHCD that we did not.

Chief patron: Knight

State Health Commissioner; State Board of Health; approved sewage system or nonconforming system. Provides for the State Health Commissioner to develop a procedure for processing requests to approve an installed treatment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper.

HB 707 Status- Passed House

No Position-*Chief patron:* Minchew

Virginia Board for Asbestos, Lead, and Home Inspectors; licensure of methamphetamine laboratory remediators. Requires the licensing of methamphetamine laboratory remediators by the Virginia Board for Asbestos, Lead, and Home Inspectors and adds a licensed methamphetamine laboratory remediator member to the Board. The bill has a delayed effective date of July 1, 2018, and the Board is required to promulgate regulations to be effective by that date. These initial regulations are exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

HB 741 Status- Passed House

No Position- This ramps up the requirements for private home inspectors, requiring them to be licensed.

Chief patron: Miller

Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors. Provides that beginning July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently home inspectors must be certified. The bill also provides that certain provisions shall become effective on July 1, 2016 to enable the Board to commence regulatory activity contemplated by this bill to establish the licensure of home inspectors. The bill contains a technical amendment.

HB 770 Status- Passed House with amendment that allows proffers related to noise abatement, flood protection, and revitalization

No Position- This bill limits localities ability to accept building materials related proffers.

Chief patron: Gilbert

Conditional zoning. Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically and uniquely attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited.

HB 812 Status- Passed House**HB 1268 Status- Tabled in committee****SB 416 Status- Passed Senate****SB 751 Status- Left in committee**

No Position- These bills addresses the use of a home as an Airbnb. Here are some variations between the bills.

Chief patron: Peace (812), Taylor (1268), Vogel (416), DeSteph (751)

Limited Residential Lodging Act; penalty. Establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act.

HB 817 Status- Passed House

HB 895 Status- Tabled in committee

No Position- This is an extensive bill that does revise some of the building plan related exemptions for trade secrets and security systems but it does not change the intent.

Chief patron: LeMunyon 817, Yancey 895

Virginia Freedom of Information Act; record exclusions; rule of redaction; no weight accorded to public body's determination. Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments.

HB 944 Status- Passed House with amendment

SB 736 Status- Passed Senate and House with amendment

No Position- This is a clarification of the intent of the fire prevention code.

Chief patron: Wilt HB 944; Obenshain SB 736

Statewide Fire Prevention Code; installation or use of landscape cover materials. Provides that local government regulation of the installation or use of landscape cover materials shall be deemed to affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure and shall not be permitted. The bill contains technical amendments.

HB 964 Status- Delegate struck from docket

No Position- This allows individuals retained by a contractor to work without being a licensed contractor. We will verify with the patron that this is not intended to exempt sub-contractors from licensure.

Chief patron: Davis

Board for Contractors; exemptions from licensure. Exempts from licensure any person who performs the construction, removal, repair, or improvement of real property retained by a licensed contractor, provided that (i) such person (a) is authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission, (b) possesses a valid business license in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, and (c) carries workers' compensation insurance and other required

insurance coverage and (ii) the work performed by such person is under the direct supervision and control of the retaining licensed contractor.

HB 1011 Status- Passed House

No Position- This allows the locality more flexibility with rental inspection programs. Sean Farrell will follow-up with the Property Maintenance committee for input.

Chief patron: Massie

Rental inspection programs; exemptions. Authorizes a locality to exempt a residential rental unit otherwise subject to a rental inspection ordinance if the unit is managed by (i) any person licensed as a real estate firm, real estate salesperson or broker, or business entity salesperson under the provisions of § 54.1-2106.1; (ii) any (a) property manager or (b) managing agent of a landlord as defined in § 55-248.4; (iii) any owner of a publicly traded entity that manages its own multifamily residential rental units; or (iv) any owner or managing agent who, in the determination of the local governing body, has achieved a satisfactory designation as a professional property manager.

HB 1307 Status- Tabled in committee

No Position- This allows the locality more flexibility vacant building registration.

Chief patron: Herring

Vacant building registration. Provides that a locality may by ordinance establish alternative criteria in determining which buildings are subject to its vacant building registration program. Currently, a building must meet an existing definition of "derelict building."

HB 1364 Status- Delegate struck from docket

Oppose- This should be handled with a code change through the regulatory process. We will reach out to the patron.

Chief patron: Campbell

Board of Housing and Community Development; revision of the Uniform Statewide Building Code and the Statewide Fire Prevention Code; distillery operations. Requires the Board of Housing and Community Development (the Board) to revise the Uniform Statewide Building Code and the Statewide Fire Prevention Code, as appropriate, to exempt from such codes barrel storage by distillery operations licensed by the Alcoholic Beverage Control Board in order to conform to federal fire code provisions. The bill provides alternatively that the Board may revise such codes to increase the current 30-gallon limit for barrel storage to 120 gallons in the control area of the distillery where distillation occurs.

SB 208 Status- Left in committee

HB 1368 Status- Left in committee

No Position- The only building code impact is that this bill requires consumer fireworks to be 1.4G, which they already are designated in the building code. We will verify the intent of 22-34.4 (that it does not grant authority to the fire official to set quantity limits for storage different than what was approved by the building official), and we will verify that 27-96.1 does not limit localities current ability to allow permissible/consumer fireworks.

Chief patron: SB 208-Garrett; HB 1364- Miller

Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties. Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks

and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks, (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property, or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2017. The bill contains technical amendments.

SB 389 Status- Passed Senate and House

No Position-

Chief patron: Surrovell

Permitting or licensure; locality shall not require consent of homeowners' association. Prohibits a locality from requiring notice to or consent of a condominium association or homeowners' association prior to the issuance of a permit, certificate, or license, including a building permit or a business license.

SB 453 Status- Passed Senate and House

No Position- (Companion to HB741) This ramps up the requirements for private home inspectors, requiring them to be licensed.

Chief patron: Stanley

Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors. Provides that beginning July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently home inspectors must be certified. The bill also provides that certain provisions shall become effective on July 1, 2016 to enable the Board to commence regulatory activity contemplated by this bill to establish the licensure of home inspectors. The bill contains a technical amendment.

SB 481 Status- Passed Senate and House

No Position- This bill expands the ability to required vacant building registration by changing the limitation from 12 months vacant and derelict as the criteria to 12 months vacant or derelict.

Chief patron: Ebbin

Vacant building registration. Requires either that a vacant building be vacant for 12 months or that it meet the definition of "derelict building" under § 15.2-907.1 before cities and certain towns may require the building's owner to register it and pay an annual registration fee. Current law requires that such a building comply with both the vacancy period and the definition of "derelict building."

SB 549 (Companion to HB770) Status- Passed Senate with an amendment that removed the prohibition on materials proffers and House

No Position- This bill limits localities ability to accept building materials related proffers.

Chief patron: Obenshain

Conditional zoning. Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new

residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically and uniquely attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited.

SB 645 Status- Passed Senate

No Position- This bill touches on building records records.

Chief patron: McPike

Virginia Freedom of Information Act (FOIA); exempt records concerning critical infrastructure, government infrastructure, or security information. Defines the terms "critical infrastructure," "government infrastructure," "interdependency," and "security information" for purposes of FOIA and revises the related FOIA public safety record exemption to incorporate those terms. The bill also sets out conditions precedent in cases where a custodian of any public safety records elects to exercise his discretion to release such records. The bill contains technical amendments.

SB 746 Status- Passed Senate with an amendment to make the locality financially responsible for the liability. House committee passed with further amendments that make the bill of no consequence to localities.

Oppose- This bill adds liability to any government employee performing inspections.

Chief patron: Wagner

Personal liability of government employees for certain inspections. Provides that a government employee who exceeds the scope of his authority when performing an inspection of a private entity to determine compliance with any law, regulation, or ordinance shall be personally liable for any damages arising from any enforcement action taken against the entity on the basis of the employee's inspection. The provisions of this bill do not apply to law-enforcement officers.

1 SENATE BILL NO. 746
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee for Courts of Justice
 4 on _____)
 5 (Patron Prior to Substitute--Senator Wagner)

6 A BILL to amend and reenact § 2.2-4030 of the Code of Virginia, relating to recovery of attorney fees
 7 from agency; actions brought in violation of law or for an improper purpose.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 2.2-4030 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 2.2-4030. Recovery of costs and attorney fees from agency.**

11 A. In any civil case brought under Article 5 (§ 2.2-4025 et seq.) ~~of this chapter or §§ § 2.2-4002,~~
 12 2.2-4006, 2.2-4011, or § 2.2-4018, in which any person contests any agency action, such person shall be
 13 entitled to recover from that agency, including the Department of Game and Inland Fisheries, reasonable
 14 costs and ~~attorneys' attorney~~ fees if such person substantially prevails on the merits of the case and (i)
 15 the agency's position is not substantially justified, (ii) the agency action was in violation of law, or (iii)
 16 the agency action was for an improper purpose, unless special circumstances would make an award
 17 unjust. The award of ~~attorneys' attorney~~ fees shall not exceed \$25,000.

18 B. Nothing in this section shall be deemed to grant permission to bring an action against an
 19 agency if the agency would otherwise be immune from suit, or to grant a right to bring an action by a
 20 person who would otherwise lack standing to bring the action.

21 C. Any costs and ~~attorneys' attorney~~ fees assessed against an agency under this section shall be
 22 charged against the operating expenses of the agency for the fiscal year in which the assessment is made,
 23 and shall not be reimbursed from any other source.

24 #

VPMIA Nominating Committee Report
Third Board of Director's Meeting
February 26, 2016

To VPMIA's Board of Directors:

The Committee has reached out to all VPMIA's serving officers and Directors. Everyone has confirmed their intent to either move up or continue in their current position with the exception of one serving officer and one serving Director.

As it turns out, our former District IV Director – Anthony McMahan - is now employed with Fairfax County and Mr. McMahan has agreed to fill the District I slot soon to be vacated by Tom Clark who has been nominated to become VPMIA's next Treasurer!!! This does however mean the District IV position is vacant once again and the committee is actively seeking a new nominee for District IV.

So in a nutshell, should the aforementioned serving officer agree to move up and the aforementioned District Director agree to continue, the only position with no nominee at this time is District IV.

Please free to contact me with any recommendation and/or nomination for VPMIA's District IV position and I encourage those whom I've attempted to contact via voicemail and/or email to respond at your earliest convenience.

Respectfully submitted,

Paul Rimel

VPMIA Nominating Committee Chair

rimeipm@ci.staunton.va.us

540-332-3862

VPMIA - VBCOA Plumbing, Mechanical, and Fuel Gas (PMG) Board Report

February, 2015

- The ICC Group B code change cycle has begun. There are no specific PMG codes associated with this cycle.
- The VPMIA/VBCOA PMG committee has also been asked to start thinking about any proposals for the creation of the 2015 VUSBC as development of this next version of the VUSBC is just around the corner. A meeting will be announced in the not to distance future to go over PMG 2015 VUSBC proposals

VBCOA report for the VPMIA meeting February 26th, 2016

- The last VBCOA EOD meeting was held on January 8th, 2016 in Chesterfield, VA. The VBCOA mid-year meeting will be held in Charlottesville, VA on April 10th and 11th, 2016.

Sincerely,

Shawn Strausbaugh

Chairman VPMIA-VBCOA Plumbing, Mechanical, and Fuel Gas Committee & VBCOA-VPMIA Liaison

sstrausbaugh@arlingtonva.us

By-Laws Committee Report
February 26, 2016

The committee met on January 28, 2016 and completed the Job Duty and Committee Description policy. The policy is now ready for board approval. In addition to the Job Policy we also need to review changes suggested by the President. I would like to thank Paul Rimel, Rick Witt, Wayne Kushner and John Seay for their time and commitment to see this task from start to completion which has taken over two years.