

New rule threatens building inspection programs

Cities and counties are pushing back

By PARIS ACHEN
Capital Bureau

SALEM — A new state rule prohibiting municipalities from using independent inspectors to administer local building programs could jeopardize cities and counties' ability to spur housing and economic development, city advocates say.

Under the temporary rule — expected to become permanent — cities and counties will be required to either hire a building official or cede their programs to a larger jurisdiction with a building official on staff, such as a county or the state. Up to three cities are allowed to share a building official. The rule also boosts the certifications required to be a building official, and it requires jurisdictions to hire an electrical inspector.

"I think a lot of folks are questioning pretty much everything about why the rule is necessary, how they can afford to comply and why they should have to when they haven't received complaints from builders," said Erin Doyle of the League of Oregon Cities.

The change was prompted by a 22-page memorandum issued in February by the Oregon Department of Justice in which Assistant Attorney General Katherine Lozano concluded that relying entirely on third parties to conduct a building program violates state law.

The state Building Codes Division within the Department of Consumer and Business Services is the agency responsible for delegating the state's authority to approve building plans to cities and counties. Approving local building programs that depend on independent contractors to administer those programs would be unconstitutional, according to the memo. It is legal for cities and counties to use such third-party services when the contractors are under the supervision of a building official, Lozano wrote.

Third-party contractors may continue to review and conduct inspections on behalf of cities based on lists of standards, statutes and rules. However, they are prohibited from issuing or denying building or electrical permits, issuing stop-work orders, resolving disputes or providing code interpretations, said Jake Sunderland, a department spokesman. Those tasks need to be assigned to a building official on staff, he said.

Leaders of municipalities with populations as small as 1,000, such as Aurora, said they cannot afford to hire a building official. Malheur County officials are considering adding positions for a building official and an electrical inspector to the county's next budget. But they are concerned they will be unable to attract qualified candidates to fill the positions, Malheur County Attorney Stephanie Williams said.

"We think it will be hard to obtain a building official, structural inspector and electrical inspector in Malheur County," Williams said. "We are not in close proximity to larger jurisdictions that might have those."

An estimated 25 jurisdictions rely entirely on independent contractors to operate their building and electrical inspection programs,

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Debris after a storm brought large waves to coastal areas.
Colin Murphey/The Daily Astorian

'THE UNSUNG HEROES'

Emergency Volunteer Corps of Nehalem Bay celebrates 10 years

By BRENNA VISSER
The Daily Astorian

MANZANITA — When disaster strikes, communities around Nehalem Bay are the place to be.

It's a strange badge of honor, but one that the Emergency Volunteer Corps of Nehalem Bay wears proudly.

The corps, which started with a handful of volunteers from Wheeler, Nehalem and Manzanita 10 years ago, has stepped into the spotlight as one of the largest and most effective emergency preparedness groups in Oregon.

On Monday, more than 100 people from around the region gathered in the Pine Grove Community House in Manzanita — including state Rep. Deborah Boone, state Sen. Betsy Johnson and Andrew Phelps, the director of the Oregon Office of Emergency Management — to celebrate the group's 10-year anniversary.

"Every single one of you are the unsung heroes making this (town) the gold standard of community preparedness," Johnson said. "Thanks for showing Oregon how to do this right for 10 years."

The idea to form a volunteer corps came after hurricane-force winds and flooding from the Great Coastal Gale of 2007 temporarily isolated Manzanita, Nehalem and Wheeler from emergency services.

"That's when we realized emergency preparedness was really up to us, neighbor by neighbor," Linda Kozlowski, the group's president, said. "We just don't expect to get much help."

From there, volunteers embarked on a mapping project, which focused on preparing each neighborhood with supplies and knowledge on how to be self-sustaining in a disaster. A decade later, the program has 300 active members — almost a quarter of the region's population.

Starting out with no shelters, each neighborhood now has one stocked



Brenna Visser/The Daily Astorian

State Sen. Betsy Johnson congratulates the Emergency Volunteer Corps of Nehalem Bay.



Brenna Visser/The Daily Astorian

The Emergency Volunteer Corps of Nehalem Bay gave out free MREs at the group's annual meeting Monday.

with a week's worth of supplies. A water sanitation and hygiene program was formed, and volunteers offer classes on how to properly filter water when the utilities inevitably fail. The corps purchased 400 ham radios for emergency communications and each month holds classes on how to communicate with one. The group this year anticipates tapping into \$140,000 in lodging taxes to fund a countywide wayfinding and signage project, which, if completed, will be the most comprehensive in the state.

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Manzanita woman nominated to serve on DOGAMI board.
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Unique approach

Part of the group's success comes from the unique approach to offer classes on a routine basis, Kozlowski said, which keeps people engaged. She also attributes a lot of the group's success to its origins.

"We started from the ground up, getting our own funding. And then we got noticed by the city. I think other communities have had more of a top-down approach, where (emergency management) came from the city or the county," she said.

Kozlowski also believes having a population that is mostly retired is an asset.

"We are blessed with a smart retirement community that come from such

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Federal judge dismisses suit against mental health agency

Former program manager intends to appeal the ruling

By DERRICK DePLEDGE
The Daily Astorian

A federal judge has dismissed a lawsuit by a former program manager at Clatsop Behavioral Healthcare who alleged she was fired in 2015 after seeking medical leave for work-related stress.

Cheryl Varese, who worked in the mental health agency's developmental disabilities unit, claimed she was retaliated against after complaining about unethical and illegal management practices and a hostile work environment.

But U.S. District Court Judge Ann Aiken in Portland ruled in March that Varese "was on the road to termination well before she invoked her right to protected medical leave and irrespective of her decision to do so."

An independent investigator hired by the agency to look into Varese's complaint found that Varese had been untruthful and had actively sought to undermine management. An agency administrator said he made the decision to fire Varese based on the investigator's findings.

Varese's attorney filed notice in April to appeal the judge's ruling to the 9th U.S. Circuit Court of Appeals.

Judge Aiken, meanwhile, declined to consider Varese's claims under Oregon medical leave and whistleblower protection laws.

Varese filed a new lawsuit against Clatsop Behavioral Healthcare and two former administrators in late April in Clatsop County Circuit Court, alleging whistleblower retaliation and violations of state medical leave law. The suit seeks \$600,000.

"This lawsuit has been ongoing," Amy Baker, the executive director of Clatsop Behavioral Healthcare, said in an email. "As expected, the federal judge recognized that Varese's claims were baseless and dismissed them without even going to trial."

"Without any more federal claims, it was appropriate that the remaining claims were referred back to state court. We are confident that the state court will similarly see the baseless nature of her claims so that Clatsop Behavioral Healthcare can get back to serving the

needs of the community, rather than directing precious time and resources to this type of groundless claim."

An attorney for Varese could not immediately be reached for comment.

The legal skirmishes stem from management turmoil at the county's mental health contractor that led to staff turnover and a leadership overhaul in 2016.

Varese was close to two other staffers who filed a lawsuit against the agency in federal court.

Richard Holmes, a case manager who resigned in 2015 after allegedly being sexually harassed, and Colleen Studinarz, a program supervisor who was fired after allegedly intervening on Holmes' behalf, have claimed discrimination. Their case is pending in U.S. District Court.

