

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, CHAPTER 10, ARTICLE II, § 10-40 PERTAINING TO LICENSURE UNDER THE CITY OF KNOXVILLE ELECTRICAL CODE.

ORDINANCE NO: O-169-2015
Dept. of Plans Review
REQUESTED BY: & Building Inspections
PREPARED BY: Law

APPROVED ON 1ST
READING: 09-01-2015
APPROVED ON 2ND
READING: 09-15-2015
APPROVED AS AN EMERGENCY
MEASURE: _____

MINUTE BOOK: 79 PAGE _____

WHEREAS, Tennessee Code Annotated §§ 6-54-501 through 6-54-506 provides for the adoption of any building code or portions thereof by a municipality by reference; and

WHEREAS, one (1) copy of the 2011 edition of the *National Electrical Code*, with amendments as set forth herein, has been filed in the office of the City Recorder fifteen (15) days prior to the adoption of this Ordinance, and has been kept available for public use, inspection and examination, in accordance with Tennessee Code Annotated § 6-54-502; and

WHEREAS, the 2011 edition of the *National Electrical Code* was adopted, as amended, by the Knoxville City Council on June 24, 2014 (the "Electrical Code"); and

WHEREAS, Chapter 10, Article II, Section 10-40 of the Electrical Code provides the examination qualifications for applicants for an electrical license; and

WHEREAS, the Chief Electrical Inspector has recommended a change to the examination qualifications to reflect the grading procedures used by different testing entities in the area; and

WHEREAS, pursuant to Section 10-31 of the Electrical Code, the Chief Electrical Inspector presented this recommendation to the Electrical Board of Adjustments and Appeals, which moved to approve the recommendation at its public meeting on May 7, 2015; and

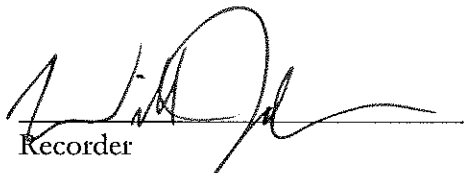
WHEREAS, the Council of the City of Knoxville has now determined that it is in the public interest, safety, and welfare of the City of Knoxville that the amendment as prescribed herein, providing for modifications as recommended by the Chief Electrical Inspector and the Electrical Board of Adjustments and Appeals, be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

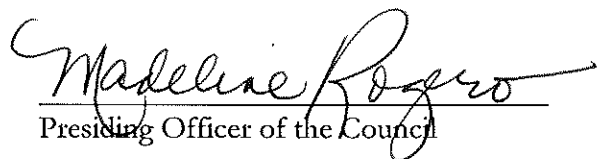
SECTION 1: Chapter 10, Article II, Section 10-40 of the Knoxville City Code is hereby amended by adding deleting the text of the Section in its entirety and substituting the following:

- (a) The applicant must submit a completed application and all necessary materials to the board office in order to be approved to take the exam. The exam will be given by the testing center of the board's choosing.
- (b) Applicants who successfully pass their examination shall have up to one year to secure their license before being required to be reexamined.
- (c) Applicants who fail the examination may apply for reexamination in accordance with testing center rules.

SECTION 2: This Ordinance shall take effect immediately upon its passage, the welfare of the City requiring it.



Recorder



Madeline Rogers
Presiding Officer of the Council

DRAFT MINUTES
CITY OF KNOXVILLE
ELECTRICAL BOARD OF ADJUSTMENTS AND APPEALS
MEETING: MAY 7, 2015 – 3:30 P.M.
ROOM 511 – CITY/COUNTY BUILDING, 400 MAIN STREET

This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 8-44-101, et seq.

ROLL CALL

Board Members present: Charlie Mink (Board Chairman), Steve Cash, Larry Headla, Cayce Smith, Bobby Colwick, Andrew Thomas, and Peter Ahrens. Bob Affel was absent.

Others in attendance: Greg Taylor, Chief Electrical Inspector; Crista Cuccaro, City of Knoxville Law Department; Chevelle Lewis, Angelia Rooks and Deborah Brooks, Board Secretaries.

APPROVAL OF MINUTES

Board member Steve Cash made a motion to approve the minutes from the November 6, 2014 Electrical Board meeting and it was seconded by Board member Bobby Colwick. **The Board voted 5-0 to APPROVE the November 6, 2014 minutes.**

NEW BUSINESS

- Announcement of Board Secretary Deborah Brooks' retirement; and introduction of Angelia Rooks as the new Board Secretary.

OLD BUSINESS

- Discussion of the electrical exam providers (Prometric vs. PSI)

Chief Electrical Inspector Greg Taylor said he will cover in his report. Applications and forms have been updated to show the choice between Prometric and PSI testing. If applicant already has an LLC license, then PSI will not allow the applicant to retest to prevent question-harvesting by "No Pass, No Pay" seminar providers. An LLC license holder will have to take the exam through Prometric.

CHIEF ELECTRICAL INSPECTOR'S REPORT

- Electrical permit sales

Mr. Taylor said permit sales continue to increase over last year. As of today, 1203 electrical permits have been issued since January 1, placing us over a month ahead of 2013 record totals. Commercial and multi-family projects still dominate permit sales, but single family homes are increasing as well. Some larger projects have started since the last meeting in November such as the Knoxville Public Service Building, Children's Hospital addition, Clinch Avenue apartments, The Standard at 17th Street, Rivers Edge apartments at Island Home Avenue, and the Cumberland Avenue corridor project.

Electrical plans review totals surged from 59 in March to 94 in April signifying that this increase in construction will likely continue throughout the rest of the year.

Applications and information sheets have been revised to reflect the option of using PSI as an exam provider. Only one new electrical contractor application has been received so far this year.

An update to the City of Knoxville Electrical Ordinance was made to remove the reference to exam scoring. The different scoring requirements will be available from the exam provider when applicants register for the exam. The ordinance was also amended regarding retesting because PSI and Prometric each have different rules on retesting. A copy of the amended ordinance is attached. If approved by the electrical review board, the amendment will be sent to City Council for review.

Board Member Larry Headla made motion to approve the changes to the City of Knoxville Electrical Ordinance. Motion was seconded by Board Member Steve Cash. **The Board voted 5-0 to APPROVE the City of Knoxville Electrical Ordinance.**

Updates on improvements in our department include creating an email database of all license holders that can be easily used to make special announcements about code or policy changes that affect license holders. Board Member Larry Headla suggested adding consulting engineers to the email database. Mr. Taylor agreed that would be a good idea. Mr. Taylor would like to see the database updated regularly, and will coordinate with the IT Department.

Upgrading of laptop computers has been completed for all field inspectors.

Consolidating the commercial and residential electrical permit applications is complete and under review by the administration. There are no changes in fees. The goal is to only use one application for either commercial or residential work. A copy of the combined application is attached. Low Voltage permits will still use a separate application form.

Future goals include advanced certifications for all electrical inspectors, and increasing public awareness of our department and its benefits to public safety. May is National Electrical Safety Month, and we sent out a press release reminding people to check the homes for electrical and fire hazards.

Board Chairman Charlie Mink had questions about the permit application change. There used to be a dollar amount next to the "maintenance & repair" designation. Mr. Taylor explained that this fee is typically the base permit fee which is now located at the bottom of the application.

OTHER BUSINESS

- Crista Cuccaro, Law Department, will present a training session to the Board members and staff.

The Open Meetings Act is an attempt to balance two goals: the need for the public to know what government is doing and the need of governing bodies to be able to deliberate and reach best decisions. The statute was created as a benefit to the public, and if there is a dispute or a violation, the statute will be construed in favor of the public. The Sunshine Policy for this state is that the formation of public policy decisions is public business and shall not be conducted in secret.

The definition of "open meetings," taken from the statute, is all meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the constitution of Tennessee. The Electrical Board does not have any constitutional exceptions, and is subject to the open meetings act.

A "governing body" is a public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

A "meeting" is the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on inspection of any project or program. "Meeting" does not include any onsite inspection of any project or program. Since onsite visits will necessarily include discussion, it could be construed as deliberation, and could be a violation of the Open Meetings Act. To avoid board members deliberating or discussing decisions or recommendations in a non-public forum, Ms. Cuccaro recommends issuing a public notice if there is to be an onsite visit.

In a chance meeting, board members are allowed to talk to each other, but not about matters before the board.

The "adequate public notice" statute requires publication of a meeting notice within a reasonable time to allow the public to know when and where the meeting will be, and what will be discussed. "Reasonable" is not defined in the statute. For this board, a posting on the office board or website is adequate.

The Executive Session is an opportunity for the board to meet in a closed meeting with its attorney, but only if there is pending or on-going litigation.

By state law, the minimum meeting minutes and records requirements are: who attended the meeting, who made a motion, what motion was made, who seconded the motion, and a count of the votes.

All votes must be public and not secret. The law requires the ability to hear the proceedings, including votes, so that the public knows how individual board members are voting.

Board members cannot deliberate nor make decisions through emails. Electronic communication, including emails and text messages, about public business are public records, even if the device is privately owned. Internet Forums only apply to City Council meetings.

When a violation occurs, any decision made outside the public forum is invalid.

Board members can speak to board staff, legal advisors, the Mayor, City Council members or members of other boards, as long as they are not also members of your board. Board members can speak with the public, as long as they do not have a quasi-judicial matter pending before the board. Board members cannot use conversations with a third party as a way of getting around the Open Meetings Act.

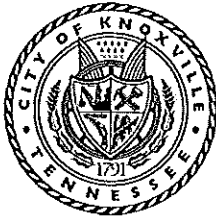
The bottom line is that board members may not discuss the items set on the next agenda for the public body on which they serve, nor subjects within the jurisdiction or scope of responsibility of the public body. Items that can properly appear on an agenda of the public body and subjects on which it is empowered to act or advise are similarly forbidden for non-complying discussion by the members of the public body.

Board Chairman Charlie Mink asked about calls from the public with questions regarding appeals. Mr. Taylor said there is a 10-day period to file an appeal, and the matter can come back before the board. Ms. Cuccaro advised board members to refer these callers to the appeals process and remind them that any discussion or presentation of their case must happen at the public board meetings. Call Crista if there are any issues.

The next Electrical Board meeting will be August 6, 2015 at 3:30 p.m. in Room 511.

ADJOURNMENT

Board member Steve Cash made a motion to ADJOURN the meeting and it was seconded by Board member Bobby Colwick. **The Board voted 5-0 to ADJOURN the meeting at 4:20 p.m.**



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

AGENDA DATE: September 15, 2015

DEPARTMENT: Plans Review

DIRECTOR: Peter Ahrens

AGENDA SUMMARY An Ordinance to amend the Knoxville City Code, Chapter 10, Article II, § 10-40 pertaining to licensure under the City of Knoxville Electrical Code.

COUNCIL DISTRICT(S) AFFECTED

All Council Districts.

BACKGROUND

On November 6, 2014 the Electrical Board of Adjustments and Appeals voted to add PSI Services, LLC as an approved testing provider for Class 1 and Class 2 electrical licenses. Due to variations in scoring of different types of exams, rewording of the electrical ordinance is necessary. Section 10-40(b) referencing a passing grade of 70 has been deleted in its entirety. Items (c) and (d) have been relabeled (b) and (c). Section 10-40(c) has been modified by adding "in accordance with testing center rules". These changes will allow flexibility for applicants to use various testing centers when making application for an electrical license.

OPTIONS

Approve or Deny.

RECOMMENDATION

Approve.

ESTIMATED PROJECT SCHEDULE

N/A

PRIOR ACTION/REVIEW

Approved by the Electrical Board of Adjustments and Appeals on 5/7/2015

FISCAL INFORMATION

N/A

ATTACHMENTS:

- ORD - Electrical Code ordinance modification (DOC)
- 2015 ELECTRICAL MEETING MINUTES 05 07 2015 (DOC)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS] Next: 9/15/2015 7:00 PM
MOVER:	Duane Grieve, 2nd District
SECONDER:	George C. Wallace, At-Large Seat A
AYES:	Brown, Campen, Della Volpe, Grieve, Palmer, Pavls, Saunders, Stair, Wallace