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CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" Street Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

July 11, 1985

Budget and Finance Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE REGARDING JOURNEYLEVEL PLUMBERS
 CERTIFICATE OF COMPETENCY**

SUMMARY:

On March 19, 1985, the City Council referred to the Law and Legislative Committee, a proposed ordinance relating to city certification of journeylevel plumbers. The Law and Legislative Committee unanimously referred the proposed ordinance to the City Council by way of the Budget and Finance Committee.

Staff recommends that the current system of approving plumbing installations based on on-site inspections is effective in protecting the public's health and safety. The additional certificate requirement would not demonstrably improve plumbing installations and could create administrative costs unjustified by the benefits.

RECOMMENDATION:

It is recommended that the Budget and Finance Committee refer this ordinance and budget and fee resolutions to the City Council with a recommendation not to adopt the ordinance and resolutions.

Respectfully submitted,

Mac Mailes
Director
Planning and Development

Recommendation Approved:

Solon Wisham, Jr.
Assistant City Manager

Attachments/



CITY OF SACRAMENTO

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July 23, 1985

City Council
Sacramento, California

Honorable Members in Session:

Subject: Ordinance Regarding Journey-Level Plumbers' Certificate
of Competency

SUMMARY

On March 19, 1985, the City Council referred to the Law and Legislation Committee, a proposed ordinance relating to city certification of journey-level plumbers. On May 5, 1985, the Law and Legislation Committee unanimously referred the proposed ordinance to the full Council with the provision that it be reviewed by the Budget and Finance Committee. The Committee further directed staff to evaluate the cost and number of repeat inspections due to plumbing problems. The proposed ordinance is supported by the Associated Plumbing and Mechanical Contractors and the United Association of Journeymen and Apprentices of the Plumbing & Pipefitters Industry (Local 447). However, this report recommends disapproval of the proposed ordinance.

BACKGROUND

A journey-level plumber is a non-apprentice doing plumbing work employed by a licensed contractor. A journey-level plumber may work independently on a construction site with only indirect supervision provided by a licensed contractor and may supervise apprentice plumbers. At present, the level of competency required of the journey-level is decided by the employer (licensed contractor) or in the case of union plumbers, by the union. The City provides an additional safeguard by inspecting plumbing work to ensure compliance with adequate construction standards. The proposed ordinance would require the city to also test and certify the competence of some journey-level plumbers.

Ordinance Provisions

The proposed ordinance is similar to ordinances adopted by the Counties of Los Angeles and Santa Clara and the Cities of Los

Angeles and Long Beach. The major provisions of the ordinance call for:

1. The establishment of a Board of Plumbing Examiners to oversee the program.
2. Issuance of certificates of competency to journey-level plumbers who have ten years experience, or possess an equivalent certificate from another jurisdiction, or who have four years of experience and pass a city-administered examination.
3. The certificates to be renewed without retesting every 2 years.
4. Citations to be issued to individuals doing plumbing work without a certificate permitting such activity in the city and to contractors who employ an uncertified plumber to perform plumbing work.
5. The Board to have the right, for cause, to suspend or revoke certificates.

Administration of the Journey-Level Plumber Certification Program

The administration of this program would be assigned to the Board of Plumbing Examiners and the staff of the City's Department of Planning and Development Staff. Significant support would be needed from the City Attorney and the Personnel Department. The major implementation elements of this program are:

1. Appointing the Board and establishing Board operating procedures.
2. Providing notice to contractors and journey-level plumbers.
3. Reviewing applications and determining which applicants meet the 4 and 10 year experience requirements.
4. Determining which certificates issued by outside agencies are equivalent to the city's certificate.
5. Developing the examination and screening applications.
6. Administering the exams.
7. Hearing appeals.
8. Maintaining files, records, and rosters.

9. Evaluating complaints and holding suspension and revocation hearings.

The Personnel Department has tentatively offered assistance in administering the examination. City Attorney assistance will be required to review operating procedures and to provide legal advice for appeals, suspensions, and revocations.

The implementation of the certificate program would require significant involvement of the Chief Plumbing Inspector and the Building Inspector III, Plumbing. There is no feasible alternative to their involvement. Therefore, supervision of plumbing inspection activities will suffer during the implementation period. It is possible to mitigate the problem but it cannot be eliminated. The financial information section of this report contains detailed information on staffing & other costs.

The proposed ordinance would make it unlawful after December 31, 1985 to work as a journey-level plumber without a certificate. The work program (see Exhibit A) demonstrates that enforcement cannot effectively be initiated prior to April 15, 1986.

Legal Issues - The California Attorney General issued an opinion in 1964 which concluded that municipalities may not require unlicensed contractors or persons employed by contractors to take examinations because the state has preempted the field. (43 Ops. Atty. Gen. 115). Under this opinion, the proposed ordinance would be invalid. Although opinions of the Attorney General are not binding on courts, they often carry great weight.

Others, including the communities which currently certify journey-level plumbers, do not agree that state law preempts a journey-level certificate program. This issue has not been litigated.

Research by the City Attorney's Office has found that certain groups of individuals performing plumbing work are exempt by operation of law from the provisions of this ordinance. These groups are:

- Plumbing contractors licensed under the Contractors' License Law of the Business and Professions Code.
- Apprentice plumbers regulated under an apprenticeship program pursuant to the Labor Code.

- Employees of a public utility or Sacramento Municipal Utility District (SMUD), or of any contractor performing work for a public utility or SMUD operating under the authority and jurisdiction of the Public Utilities Commission (PUC) of the State of California, or the Federal Power Commission (FPC), when the installation will be used in the production of energy or is regulated by these agencies.

- Employees of the city, including plumbers, plumber supervisors, and building inspections staff.

- Employees of a school district or of a contractor performing work that is intended for school district educational, or administrative purposes.

- Employees of the county, state, and federal governments or of contractors working for the county, state, or federal governments.

Program Impact - Proponents of the certificate program feel that the certification of journey-level plumbers will provide improved plumbing work in the City, and will reduce the number of reinspections required. This belief is shared by inspection officials in three of the four jurisdictions that operate the program within the state. Building officials of the Cities of Long Beach and Los Angeles and the County of Los Angeles feel that the program assists their inspection programs.

County of Santa Clara building officials feel that the program has increased friction between inspectors and contractors and their journey-level employees.

The County of Santa Clara has recently abandoned a program to certify journey-level electricians due to an inability to find volunteers to sit on the Board of Examiners.

A measure of potential effectiveness for the proposed ordinance is the projected decrease in reinspections due to the improved quality of journey-level plumbers. There is little indication that this program will improve the quality of final plumbing installations because all installations must be in compliance with the Building Code in order to pass field inspections. The impact on reinspections may be examined by the factors described below.

Existing Levels - Listed below are the existing inspection and Notices of Correction levels.

<u>Discipline</u>	<u>Yearly Inspections</u>	<u>Notices Of Correction</u>	<u>% of Installations Requiring Corrections</u>
Building	37,176	4,710	12.7
Electrical	34,638	7,494	21.6
Plbg & Mech	46,548	10,230	22.0

Department statistics do not currently differentiate between plumbing & mechanical inspections. These statistics indicate that plumbing, mechanical, and electrical inspections fail much more frequently than structural inspections.

Projected Decrease in Notices of Correction - The implementation of this program does not guarantee that all installations will meet code requirements without correction notices. The City of Los Angeles has had a certificate program in effect for 50 years and is experiencing a 38 per cent rate in Notices of Correction. The other three jurisdictions that require certification do not report these statistics.

The certificates indicate only that a journey-level worker has experience and knowledge. It does not certify his workmanship just as possession of a driver's license doesn't guarantee that an individual is a safe driver.

This program will impact only 25 percent of the total plumbing inspections. Statistics provided by the United Association of Journeymen and Apprentices of the Plumbing & Pipefitters Industry (Local 447) indicate that 790 of the 1,000 journey-level plumbers working in the city are members of the local union. To be provided a journeyman title by the union, an individual must prove four years of experience and pass a written exam similar to the exams given by those cities that require certificates. Estimates by the union and city inspections staff hold that over 75 percent of commercial installations and over 50 percent of the residential installations are being performed by union journeymen. Since these journey-level plumbers have already met the requirements of the proposed certificate program, the quality of their work would not be affected by the program. Work performed by journey-level plumbers who are exempt from certification will also not be affected by this program.

This proposal presents significant enforcement problems. To issue a citation an inspector must see the non-certificated plumber actually performing the installation. Many inspections are performed after each phase of the work is complete. The inspector does not normally see the individual who performs the installation. Similar problems caused the City of Los Angeles and other cities to drop

certificate programs for heating installation journeymen. Field inspections will find it difficult to identify and cite non-certificated individuals.

It appears that this program will, at optimum, create a total reduction of 511 Notices of Correction. This reduction in Notices of Correction will reduce the percentage of installations requiring Notices of Correction from 22.0% to 21.1%.

Potential Impact on the Construction Industry - All jurisdictions that currently operate a certificate program report a 50 percent failure rate on the examination. It is possible that a significant number of journey-level plumbers cannot be readily certified. Builders could be faced with a shortage of eligible journey-level plumbers which could create delays in construction and/or diversion of construction into areas which do not have a certificate requirement.

FINANCIAL DATA

Budgetary Implications - Exhibit B indicates the total cost by activity for the 1985-86 fiscal year program. Of the \$25,914 required for this program, \$5,427 could be funded out of existing appropriations. An additional 1985-86 appropriation of \$20,487 will also be required. (Refer to Exhibit C).

The Planning and Development Department would utilize existing positions (Chief Plumbing Inspector; Building Inspector III, Plumbing; and a Typist Clerk II) to implement the program. To support the plumbing inspection activities (the Plumbing Unit's prime task) during this period the department would require authorization to work a Building Inspector II out of class for 500 hours (to assist in supervising unit activities), to employ a limited term Building Inspector I for five months to perform inspections normally performed by the Chief Plumbing Inspector, the Building Inspector III, and the Building Inspector II and to utilize a temporary agency typist for 255 hours to replace the typist working on this program.

It will cost approximately \$13,700 to administer the program in future fiscal years. The use of the additional Building Inspector I and typing assistance is not expected to continue beyond April, 1986. Staffing needs should be reevaluated as part of 1986-87 budget preparation.

Fees - The proposed ordinance requires that fees be established for submitting an application, for requesting a reexamination, and for renewing the certificate. Since the certificates are valid for two years and will not be renewed until April, 1986, a recommendation is not included for the renewal fee. Given the number of plumbers identified by the

union, the city will receive approximately 1,000 applications for certificates. 750 of these applicants will probably be required to take the examination.

This level of applicants will probably require a total of 1,300 start-up examinations; 750 initial examinations, and 550 subsequent examinations and reexaminations.

Test administration cost for two years is projected to be \$8,617, which will average \$6.63 per person per test for direct cost. Adding city indirect cost brings this average to \$7.20 per test. To provide an incentive to pass the test on the first try, a reexamination fee of \$10.00 should be established.

The total cost to run the program for two years is projected to be \$39,625. The cost of services covered by reexamination fees will be \$3,646 leaving \$35,979 to be offset by application fees. Projecting 1,000 applications provides for a direct cost of \$35.98 per application. The addition of city indirect cost brings the total application cost to \$39.11. An application fee of \$40.00 would be appropriate. Under this plan all applicants would pay \$40.00 for a two year certificate. An applicant that fails the exam will pay an additional \$10.00 for each reexamination.

Revenue VS Costs - An evaluation of program cost versus revenue is provided below:

1985-86 Fiscal Year

<u>Costs</u>	
Direct Cost	\$ 25,913
City Indirect Cost	2,254
	<hr/>
Total Cost	28,167
 <u>Revenue</u>	
Application Fee	32,000
Reexamination Fee	4,500
	<hr/>
Total Revenue	36,500
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Surplus/(Deficit)	\$ 8,333

1986-87 Fiscal Year

Costs

Direct Cost	\$ 13,712
City Indirect Cost	1,193

Total Cost	14,905
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Revenue

Application Fees	8,000
Re-examination Fees	1,130

Total Revenue	9,130
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Surplus/(Deficit)	(\$ 5,775)
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This analysis indicates that the program will run at a surplus in the 1985-86 fiscal year and at a deficit during the 1986-87 fiscal year. This discrepancy is due to the large number of applications received and tests given during the program's start up. A total surplus of \$2,558 is projected for the two year period. This surplus will keep the program revenue supported with an applicant level as low as 900. If fewer than 900 applications are received, the program would be in a deficit position.

Recommendation

It is staff's recommendation that the current system of approving plumbing installations based on applying the City Code through onsite inspections of completed work is effective in protecting the public's health and safety. An additional requirement would not demonstrably improve plumbing installations in the city and could create administrative costs unjustified by benefits.

However, if the City Council decides that this ordinance is in the City's interest, the following revisions should be included in the proposed ordinance.

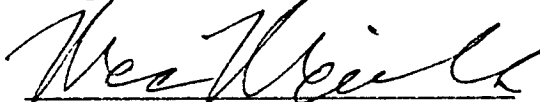
1. Enforcement should not begin until April 15, 1986.
2. City employees should expressly be exempted from the certificate requirements.

3. Employees for or of contractors working for school districts, the county, the state and the federal government should be expressly exempted from the certificate requirement.
4. The phrase "journeyman" should be changed to read "journey- level".

If the City Council elects to adopt the ordinance it is recommended that the City Council adopt the following resolutions.

1. Adopting the ordinance as amended.
2. Amending the City's fee and charge report to create fees for an application for a city journey-level plumber's certificate and a journey-level plumber reexamination fee.
3. Amending the City's 1985-86 fiscal year budget.

Respectfully Submitted



Mac Mailes

Director of Planning and Development

Recommendation Approved:

Walter J. Slipe, City Manager

EXHIBIT A

PROPOSED SCHEDULE OF ACTIVITIES

JOURNEYMAN PLUMBER CERTIFICATE

- Aug. 15 Board appointed & confirmed by Council.
- Aug. 29 First Meeting.
- Establish Board procedure.
 - Establish Calendar.
- Sept. 12 Meeting
- Approve criteria for acceptance of 10 year qualification.
 - Approve criteria to determine acceptance of other certificates.
 - Approve criteria to determine eligibility for testing.
- Sept. 26 - Approve type of test.
- Oct. 3 Meeting
- Begin meeting with industry.
 - Begin noticing & media.
- Oct. 15 - Begin receiving applications for "grandfather" certificates & certificates based on possessing another acceptable certificate.
- Oct. 31 - Closing date for receiving applications for "grandfather" certificates & certificates based on possessing another acceptable certificate.
- Nov. 14 Meeting
- Board action on application for "grandfather" certificates & certificates based on possessing another acceptable certificate.
 - Approval of examination, (closed session).
- Nov. 14 - Begin receiving applications for exam.
- Dec. 13 - Cutoff date for receiving applications for exam.
- Jan. 2, 1986 - Notices of acceptance and rejection prepared.
- Jan. 16 Meeting
- Appeals on rejection for examination.

- Feb. 1 - First examination.
- Feb. 7 - Examination results mailed.
- Feb. 13 Meeting
- Board approval of journeyman certificates for candidates who passed the examination.
- Feb. 20 - Certificates mailed.
- Feb. 27 Meeting
- Hear examination appeals.
- Mar. 8 - Second examination.
- Mar. 14 - Examination results mailed.
- Mar. 20 Meeting
- Board approval of certificates for candidates passed second examination.
- Mar. 27 - Certificates mailed.
- Apr. 15 - Enforcement begins.

EXHIBIT B

1985-86 BUDGET BY ACTIVITY
JOURNEY LEVEL CERTIFICATE PROGRAM

ACTIVITY	PROFESSIONAL		CLERICAL		ATTORNEY		OTHER	TOTAL
	HOURS	COST	HOURS	COST	HOURS	COST	COST	COSTS
1) ESTABLISHMENT OF BOARD & PROCEDURES	31	\$853	14	\$186	6	\$216	\$100	\$1,355
2) PROVIDING NOTICE	28	\$770	7	\$93	0	\$0	\$20	\$883
3) REVIEWING "GRANDFATHER" APPLICATIONS	29	\$798	10	\$133	2	\$72	\$30	\$1,033
4) ACCEPTING OTHER CERTIFICATES	37	\$1,018	4	\$53	1	\$36	\$10	\$1,117
5) TEST DEVELOPMENT & SCREENING	123	\$3,383	49	\$653	0	\$0	\$100	\$4,135
6) TEST ADMINISTRATION	17	\$468	18	\$240	0	\$0	\$2,100	\$2,807
7) APPEALS	90	\$2,475	13	\$173	50	\$1,800	\$2,000	\$6,448
8) RECORD KEEPING	8	\$220	60	\$799	0	\$0	\$350	\$1,369
9) COMPLAINTS & SUSPENSIONS/REVOCATIONS	77	\$2,118	10	\$133	15	\$540	\$600	\$3,391
10) BOARD ADMINISTRATION	59	\$1,623	70	\$932	20	\$720	\$100	\$3,375
TOTALS	499	\$13,723	255	\$3,397	94	\$3,384	\$5,410	\$25,913

EXHIBIT B

1986-87 BUDGET BY ACTIVITY
JOURNEY LEVEL CERTIFICATE PROGRAM

ACTIVITY	PROFESSIONAL		CLERICAL		ATTORNEY		OTHER COST	TOTAL COSTS
	HOURS	COST	HOURS	COST	HOURS	COST		
1) EVALUATION OF PROCEDURES	20	\$550	3	\$40	0	\$0	\$100	\$690
2) REVIEWING "GRANDFATHER" APPLICATIONS	8	\$220	1	\$13	0	\$0	\$10	\$243
3) ACCEPTING OTHER CERTIFICATES	20	\$550	3	\$40	0	\$0	\$10	\$600
4) APPLICATION SCREENING	25	\$688	8	\$107	0	\$0	\$50	\$844
5) TEST ADMINISTRATION	5	\$138	7	\$93	0	\$0	\$600	\$831
6) APPEALS	40	\$1,100	8	\$107	25	\$900	\$1,000	\$3,107
7) RECORD KEEPING	3	\$83	30	\$400	0	\$0	\$150	\$632
8) COMPLAINTS & SUSPENSIONS/REVOCATIONS	77	\$2,118	10	\$133	15	\$540	\$600	\$3,391
9) BOARD ADMINISTRATION	59	\$1,623	70	\$932	20	\$720	\$100	\$3,375
TOTALS	257	\$7,068	140	\$1,865	60	\$2,160	\$2,620	\$13,712

EXHIBIT C

1985-86 FISCAL YEAR BUDGET
 JOURNEY-LEVEL PLUMBER CERTIFICATE PROGRAM

DIRECT PROGRAM COSTS

	<u>Currently *</u> <u>Budgeted</u>	<u>Additional</u> <u>Appropriation</u>	<u>Total</u> <u>Cost</u>
<u>Salaries & Benefits</u>			
Chief Plumbing Inspector	\$7,548	--	\$7,548
Building Inspector III, Plumbing	6,175	--	6,175
Typist Clerk II	3,397	--	3,397
Deputy City Attorney	3,384	--	3,384
Sub Total	<u>\$20,504</u>	--	<u>\$20,504</u>
<u>Services & Supplies</u>			
Departmental Transfer	--	\$2,000	\$2,000
Other Professional Services	--	2,600	2,600
Central Services Mail	\$310	--	310
Small Tools and Equipment	--	300	300
Computer Supplies	--	200	200
Sub Total	<u>\$310</u>	<u>\$5,100</u>	<u>\$5,410</u>
SUB TOTAL DIRECT COST	<u>\$20,814</u>	<u>\$5,100</u>	<u>\$25,914</u>

INDIRECT PROGRAM COSTS

<u>Salaries & Benefits</u>			
Building Inspector I (Limited Term 5 months)	(\$13,291)	\$13,291	--
Building Inspector II (Out of Class - 500 hours)	(456)	456	--
Sub Total	<u>(\$13,747)</u>	<u>\$13,747</u>	<u> </u>
<u>Services & Supplies</u>			
Temporary Agency (Typist - 255 hours)	(\$1,640)	1,640	--
SUB TOTAL - INDIRECT COSTS	<u>(\$15,387)</u>	<u>\$15,387</u>	<u> </u>
TOTAL PROGRAM COST	<u>\$5,427</u>	<u>\$20,487</u>	<u>\$25,914</u>

1. Direct program costs represents the costs of employees and services and supplies utilized on the certification program.
2. Indirect program costs represents the costs needed to complete the departmental activities that would have been assigned to the employees assigned to the program.
- * 3. The column labeled "currently budgeted" represents appropriations in the 1985-86 budget. These appropriations are currently budgeted for inspection activities, not the certification program.

RESOLUTION No.

Adopted by The Sacramento City Council on date of

RESOLUTION ESTABLISHING FEES FOR
JOURNEYLEVEL PLUMBER CERTIFICATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

Pursuant to Article XXIV, Chapter 9 of the Sacramento City Code, the rates for Certification of Journeylevel Plumbers shall be as follows:

Application Fee	\$40.00
Reexamination Fee	\$10.00

This Resolution shall take effect on September 1, 1985.

MAYOR

ATTEST:

CITY CLERK

RESOLUTION No.

Adopted by The Sacramento City Council on date of

A RESOLUTION AMENDING THE CITY BUDGET
FOR FY 1985-86 TO FUND THE
JOURNEYLEVEL PLUMBER CERTIFICATION PROGRAM

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. Funding is required to implement Article XXIV, Chapter 9 of the Sacramento City Code, Journeylevel Plumber Certification.
2. The city budget for FY 1985-86 is hereby amended by appropriating \$20,487 from the unappropriated General Fund balance to the Planning and Development Plumbing Inspection Section budget, for the purpose stated in paragraph 1 above. This transfer will increase the following accounts by the amount listed.

<u>Account #</u>	<u>Title</u>	<u>Amount</u>
1-01-3536-0000-4101	Salaries	\$13,747
1-01-3536-0000-4258	Other Professional Services	4,600
1-01-3536-0000-4288	Temporary Clerical Services	1,640
1-01-3536-0000-4461	Small Equipment	300
1-01-3536-0000-4462	Computer Supplies	200
	TOTAL	\$20,487

3. The above appropriation increase is to be supported by additional estimated revenues of \$36,500 that are forthcoming from application and reexamination fees which will be deposited in the General Fund.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XXIV TO CHAPTER 9 OF THE
SACRAMENTO CITY CODE RELATING TO CERTIFICATION OF
JOURNEYLEVEL PLUMBERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XXIV is hereby added to Chapter 9 of the Sacramento City Code, to read as follows:

Article XXIV. Certification of Journeylevel Plumbers

Sec. 9.96. Intent.

This ordinance is adopted to protect the health, safety and welfare of the citizens of the City of Sacramento. Such ordinance is necessary to provide maximum standards of qualification for journeylevel plumbers who perform work within the City of Sacramento. Plumbing work is complex and demanding and carries a high risk of harm to person and property if done improperly. This ordinance does not regulate either plumbing contractors licensed under the Contractors' License Law, section 700, et. seq. of the Business and Professions Code or apprentice plumbers regulated under an apprenticeship program pursuant to section 3070 et. seq. of the Labor Code.

Sec. 9.962. Exemptions.

a. An employee for a public utility or of any contractor performing work for a public utility operating under the authority and jurisdiction of the Public Utility Commission of the State of California (PUC), the Federal Power Commission (FPC), or the Sacramento Municipal Utility District (SMUD), shall be exempt from the provisions of this ordinance when performing work regulated by the PUC, FPC or SMUD. This exemption is not intended to apply to work which must meet the Sacramento City Plumbing Code.

b. Employees of the City, including plumbers, plumber supervisors, and Building Inspections staff shall be exempt from the provisions of this ordinance.

c. Employees of a school district or of a contractor performing work that is intended for a school district's educational or administrative purposes shall be exempt from the provisions of this ordinance.

d. Employees of the county, state or federal government or of contractors working for the county, state or federal government, shall be exempt from the provisions of this ordinance.

Sec. 9.963. Certificate of competency Required.

a. It shall be unlawful after April 15, 1986, for any person other than a contractor, apprentice or employee as specifically exempted by Sections 9.961 and 9.962 of this Ordinance to labor for another for consideration at the work or trade of installing, removing, altering or repairing

plumbing systems within the City unless such person shall have applied for and been granted a certificate of competency from the City of Sacramento Board of Plumbing Examiners.

b. It shall be unlawful after April 15, 1986, for any contractor to hire, employ or contract for the services of any individual to labor at the work or trade of installing, removing, altering or repairing plumbing systems within the City unless such individual shall have secured a certificate of competency from the City of Sacramento Board of Plumbing Examiners or such individual is exempt from the requirements of this ordinance. It shall be the obligation of the contractor hiring, employing or contracting for the services to determine whether the individual or individuals to be hired possess a valid City of Sacramento certificate of competency.

Sec. 9.964. Establishing the Board of Plumbing Examiners.

The City of Sacramento hereby establishes the Board of Plumbing Examiners. The Board of Plumbing Examiners shall consist of five members representing two California licensed plumbing contractors, two journeylevel plumbers and one public member. The Chief Plumbing Inspector shall act as the secretary to the Board of Plumbing Examiners. The Board of Plumbing Examiners shall be appointed by the Mayor with the approval of the Sacramento City Council. The term of office for a member of the Board of Plumbing Examiners shall be three years, except that as to the first Board, one member shall be appointed for a one year term, two members shall be appointed for a two year term and two members shall be appointed for a three year term. If a vacancy occurs due to death, illness, resignation or for any other reason, the City Council shall appoint a replacement only for the remainder of the term. Members of the Board of Plumbing Examiners shall not be compensated.

The Board shall adopt reasonable rules for the conduct of its business. It shall select a chairman for a term of one year and shall establish procedures to be followed by the Secretary of the Board. Three regular members of the Board shall constitute a quorum. Action taken by the Board must be approved by a majority of the members present and voting on the matter before the Board.

Sec. 9.965. Duties of the Board of Plumbing Examiners.

a. It shall be the duty of the Board of Plumbing Examiners to hold regular meetings at least every 90 days.

b. It shall be the duty of the Board of Plumbing Examiners to prepare and conduct examinations at least quarterly, and more often if the need arises, for the purpose of determining the competency and knowledge of the individuals to engage in plumbing work as set forth in this ordinance. The Board shall determine what constitutes "passing" the qualification examination. The examination shall test at a level which assumes sufficient knowledge of both theory and practice to enable the applicant to perform competent plumbing work. The examination shall include a written test and such other tests as the Board in its discretion may determine.

c. It shall be the duty of the Board of Plumbing Examiners to compile and maintain a current list of individuals holding valid certificates of competency from the Board of Plumbing Examiners.

d. It shall be the duty of the Board of Plumbing Examiners to carefully consider any written charges filed in the manner provided for in this ordinance at its first regular meeting after the filing of such charges, provided that prescribed notice requirements can be met. If the notice requirements cannot be met, the Board shall either schedule a special meeting or shall set the matter for hearing at the following regular meeting.

e. The Board of Plumbing Examiners shall compile and keep current a list of agencies maintaining satisfactory examination and qualification procedures. This list shall be reviewed and brought up to date at least once each year. A copy of said list shall be kept on file in the Office of the Chief Plumbing Inspector.

Sec. 9.966. Issuance of Certificate of Competency.

When an applicant for a certificate of competency shall have made payment of an application fee provided for by resolution of the City Council and shall have passed an examination as required by the Board of Plumbing Examiners, or is the legal possessor of an equivalent credential, as established by the Board of Plumbing Examiners, the Board of Examiners shall certify him/her to the Chief Plumbing Inspector who shall issue to him/her a certificate of competency.

Sec. 9.967. Application for Examination for Certificate of Competency.

Persons desiring to take the examination for a certificate of competency shall file an application with the Secretary of the Board of Plumbing Examiners. To be eligible for the examination for the certificate of competency, the applicant shall have at least four (4) years of plumbing experience as an apprentice and shall attach proof of such apprenticeship to the application for examination. Special training or education acceptable to the Board of Plumbing Examiners may be credited to a portion or all of the required experience. Such determination shall be in the discretion of the Board of Plumbing Examiners. Such equivalency shall be determined by the Board of Plumbing Examiners at their next scheduled regular or special meeting.

Sec. 9.968. Application for Reexamination.

Any individual who fails to pass the examination for competency as prescribed by the Board of Plumbing Examiners may apply for reexamination. All applications for reexamination must be accompanied by a reexamination fee to be set by resolution of the City Council. Should such individual fail to pass the examination for qualification a second time, the Board of Plumbing Examiners shall refuse a third application until after the expiration of six months.

Sec. 9.969. Exemption from Examination.

a. A certificate of competency shall be issued without the necessity of an examination to any individual possessing a similar certificate from an agency maintaining, in the opinion of the board, a satisfactory examination and qualification procedure.

b. A certificate of competency may be issued in the discretion of the Board of Plumbing Examiners, without the necessity of an examination to any individual having ten (10) or more years full time job experience performing plumbing work. Such an exemption shall be heard by a quorum of the Board at its next regular or scheduled meeting.

Sec. 9.970. Posting of Certificate of Competency

Every journeylevel plumber shall carry his/her certificate with him/her at all times while doing any construction work regulated by this ordinance and shall exhibit it when required to do so by the Chief Inspector or his/her authorized representative at any time while he/she is engaged in any activity for which a certificate of competency is required.

Sec. 9.971. Notification of Address Change to Board of Plumbing Examiners.

The holder of a certificate of competency shall notify the Board of any change of address.

Sec. 9.972. Loaning of Certificates of Competency Prohibited.

No individual holding a certificate of competency required by this ordinance shall lend such certificate to any person or allow any other person to carry on, engage in, or labor at the trade of installing, removing, altering or repairing plumbing systems on a certificate of competency not issued in their name. A violation of this section by any person holding a certificate of competency shall be grounds for revocation of such certificate.

Sec. 9.973. Suspension or Revocation of Certificate of Competency.

a. Any person may file with the Board of Examiners written charges against the holder of a certificate of competency alleging that the holder of a certificate of competency has negligently or intentionally performed work in violation of applicable codes. Such charges shall state in detail the nature and substance of the matters charged and must be signed with the full name and correct address of the person making the charge or charges.

b. The Board shall notify the holder of the certificate of competency against whom charges have been submitted of the next regular or special meeting of the Board at which the matter shall be heard. Written notice shall be mailed by first class at least fifteen (15) days before the hearing to the address provided to the Board by the holder of the certificate of competency.

c. No certificate of competency shall be suspended or revoked until the holder of the certificate of competency has had an opportunity to appear and show cause why his/her certificate should not be suspended or revoked. In showing such cause, he/she may be represented by an attorney and may present evidence.

d. The Board may either suspend or revoke a certificate of competency if the Board determines that the holder of the certificate of competency has wilfully, or negligently violated any of the provisions of this article or any ordinance, code, or regulation governing the installation, removal, alteration, or repair of plumbing systems.

e. Should the Board of Plumbing Examiners find that any certificate of competency has been obtained by fraud, it shall revoke such certificate.

f. No refund of fees shall be made to any person whose certificate of competency is suspended or revoked.

Sec. 9.974. Appeals.

Any person aggrieved by the decision of the Board of Plumbing Examiners in granting or denying a certificate of competency, or suspending or revoking a certificate of competency, may appeal such decision to the City Council. The appeal shall be made by filing a written notice of appeal with the City Clerk within twenty (20) days after notice of the Board's decision. The Council shall hold a hearing on the appeal and its decision shall be final and conclusive. The Council may appoint a hearing examiner to consider the matter pursuant to Article XII of Chapter 2 of the City Code.

Sec. 9.975. Renewal.

Certificates of competency shall be renewed every two years upon payment of a renewal fee set by resolution of the City Council.

Sec. 9.976. Definitions.

a. Applicant: The person signing the application for the examination for the certificate of qualification and paying the fees therefore.

b. Apprentice: A person who is enrolled in an apprenticeship program approved by the Department of Industrial Relations of the State of California.

c. Journeylevel Plumber: A person who installs, removes, alters or repairs plumbing systems as an employee, who does not furnish materials or supplies and who is the legal possessor of a certificate of competency.

d. Certificate of Competency: A certificate authorized by the Board of Plumbing Examiners to be issued by the Chief Plumbing Inspector to qualified persons not otherwise regulated by the Business and Professions Code of the State of California or the Labor Code of the State of California.

e. Plumbing system: Plumbing system means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe and all building drains, including their respective

joints and connections, devices, receptacles and appertenances within the property lines of the premises and shall include potable water piping, portable water treating or using equipment, fuel gas piping, water heaters and vents for same; provided however, that for purposes of this Article, sewer mains are specifically excluded from the definition of plumbing system.

Date Passed for Publication:

Date Enacted:

Date Effective:

MAYOR

ATTEST:

CITY CLERK