



DEPARTMENT: CITY ATTORNEY  
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: **RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING:**

Bill No. 2011-33 - For Possible Action: Amends the Supplemental Document to the City's Administrative Code to repeal and replace the provisions pertaining to the Board of Appeals. Proposed by: Christopher Knight, Director of Building and Safety

**Fiscal Impact**

☐ No Impact ☐ Augmentation Required  
☐ Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

Last April the City Council adopted Ordinance No. 6140, which adopted an updated version of the City's Administrative Code pertaining to the administration of the City's building and technical codes. That ordinance included provisions establishing a board of appeals relating to the technical codes. This bill will replace the provisions regarding the board of appeals, establishing a board membership that will allow the board to function as the board of appeals for the technical codes and for the International Fire Code as well.

**RECOMMENDATION:**

ADOPTION at 9/7/2011 City Council meeting pursuant to the 8/16/2011 Recommending Committee Meeting.

First Reading 8/3/2011; First Publication 8/25/2011

**BACKUP DOCUMENTATION:**

1. Bill No. 2011-33
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, STEVEN D. ROSS, BOB COFFIN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

## CITY COUNCIL MEETING OF: SEPTEMBER 7, 2011

Minutes:

Second reading and bill adopted as Ordinance No. 6160.

CHRIS KNIGHT, Director of Building and Safety, stated the purpose of this bill was to amend the joint board of appeals which is included in the International Fire Code. He confirmed for the Mayor that individuals appointed to the board must be building trade professionals, that the provisions of the code require board members to recuse themselves from items in which they have a personal or professional interest, and that the appointments are nonremunerated. He also confirmed for COUNCILMAN WOLFSON that board members have not yet been selected.

COUNCILMAN ROSS thinks there is a opportunity for individuals to manipulate the system and believes the term limits will prevent that from happening. MR. KNIGHT clarified that both the selection of board members and their initial terms is at the pleasure of the Council. In response to COUNCILMAN BARLOW'S request for his professional opinion, MR. KNIGHT stated his preference would be to add term limits to the agreement.

MR. KNIGHT stated that there were numerous appeals within the first couple of years but that employment and customer service initiatives have drive the number of appeals to zero since December 2010. He also confirmed that the Board of Appeals is subject to the open meeting law.

COUNCILMAN WOLFSON received confirmation from BEVERLY K. BRIDGES, City Clerk, that there are currently 24 boards and no restrictions and that while many of them have term limits, the limits are not uniform.

CHIEF DEPUTY CITY ATTORNEY VAL STEED clarified for COUNCILMAN ROSS that the board members would serve at the pleasure of the Council and that they could be removed upon the vote of the Council. COUNCILMAN ROSS stated he prefers to resolve the issue of term limits today.

COUNCILMAN ANTHONY received confirmation that there is not a time sensitive issue requiring the need for term limits and stated he would be happy to sponsor an amendment to set term limits at a later date.

CHIEF DEPUTY CITY ATTORNEY STEED clarified that there is not an annual requirement for board meetings and no reason for the board to meet if there is no appeal and no annual provision for a meeting.