



Building and Safety Enterprise Fund Advisory Committee Minutes

1. Call to Order and Roll Call

Minutes:

CHAIR POTTER called the meeting to order at 9:00 a.m.

PRESENT: CHAIR POTTER and MEMBERS McOSKER, MOSS, TATUM and HELTSLEY

ALSO PRESENT: SETH FLOYD, Director of Community Development, ROBERT NOLAN, Deputy Fire Chief, JOSANNA ESPEJO, Senior Management Analyst, JAMES LEWIS, Deputy City Attorney, BRIAN CARROLL and CHEYENNE LaRANCE, Deputy City Clerks

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; The City of Las Vegas website – www.lasvegasnevada.gov; and The Nevada Public Notice Website – notice.nv.gov.

3. Public Comment: Comment during this portion of the agenda must be limited to matters on the agenda for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

CHAIR POTTER welcomed new member SUSAN HELTSLEY.

4. ABEYANCE ITEM - For possible action to approve the Final Minutes by reference of the Regular Meeting of June 30, 2021

Minutes:

MEMBER McOSKER made reference to statements made on Agenda Item 5 in the June 30, 2021 minutes. He clarified that the revenue and expenses stated during the June 30, 2021 meeting was correct, the FY2020 income was \$183,219, and the \$305,000 was relative to the working capital, or capital reserve, amount.

Motion made by Amanda Moss to Approve as Amended

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Robert W. Potter, Kevin McOsker, Amanda Moss, Vincent Tatum, Susan Heltsley;

5. For possible action to approve the Final Minutes by reference of the Regular Meeting of October 28, 2021

Motion made by Amanda Moss to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Robert W. Potter, Kevin McOsker, Amanda Moss, Vincent Tatum, Susan Heltsley;

6. Report by Tom Perrigo, Chief Operations and Development Officer, regarding an update related to the merger of the Building & Safety and Planning Departments creating the Community Development Department

Minutes:

SETH FLOYD, Director of Community Development, made note of discussion during the October 28, 2021 meeting regarding the upcoming merger of the Building & Safety and Planning Departments and asked for a second opportunity to properly discuss this merger. MR. FLOYD confirmed the two departments are legally allowed to merge, per NRS (Nevada Revised Statutes) 354 and two resolutions from 2000 and 2006 passed by the City Council, that created the Building and Safety Enterprise Fund Advisory Committee and the fund itself. These documents were provided to the Committee members by JAMES LEWIS, Deputy City Attorney, but were not submitted as backup, and will legally allow the two departments to merge since it does not affect the Committee's advisory function.

MR. FLOYD stated the merger's rationale is to be business friendly and provide a positive customer experience by being a one-stop shop for nearly all development services. He noted the two departments share counter space and have similar functions at the plan review level. The new merger will allow the public to receive answers to their questions at one location instead of being directed to a different department. MR. FLOYD announced the only staffing changes will be at upper management, and staff roles will not change. There may be savings for the Enterprise Fund since the position currently held by MEMBER McOSKER, who is also the Director of Building and Safety, will be removed, and only a portion of MR. FLOYD'S salary will come out of that fund.

MEMBER McOSKER displayed the Current Building & Safety Organizational Chart, which was included in the backup. It showed position grades and salary ranges for each position per the previous request of the Committee. MEMBER McOSKER pointed out some positions, such as Sanitation Billing Inspector, are paid through another Enterprise Fund and others are part of the General Fund. He then displayed the FY23 Proposed Building & Safety Organizational Chart, which was included in the backup, and stated this would go into effect July 1, 2022. Most positions would remain unchanged, and proposed positions are dependent on budget approval. MEMBER McOSKER then displayed the proposed Community Development Organizational Chart, which was included in the backup, and explained the Building & Safety portion was mostly under the Enterprise Fund, while the Planning and off-site staff were under the General Fund.

MEMBER TATUM asked when the Director position would be formally transitioned away, since the FY23 Proposed Chart showed Director as an existing position, while the Community Development Chart showed the position absolved. MR. FLOYD explained the General Fund portion of the budget for the Building & Safety and Planning Departments would combine on July 1, 2022, but the Director position transition would occur when MEMBER McOSKER retires, which is expected in FY23. MR. FLOYD clarified that the Enterprise Fund will not be affected by this transition.

MEMBER TATUM questioned if the Director position would remain under the Enterprise Fund's FY23 budget. Both MR. FLOYD and MEMBER HELTSLEY confirmed it would be budgeted for the full fiscal year, and MEMBER McOSKER'S retirement before the end of FY23 would result in savings to the Enterprise Fund. MEMBER TATUM queried if any other positions funded by the Enterprise Fund would be removed during the transition to the combined Community Development Department. MEMBER McOSKER explained that only the Director position would be removed, and MR. FLOYD clarified that additional staffing positions were being requested for FY23.

MEMBER MOSS felt more comfortable after MR. FLOYD'S presentation, though she was still concerned about how communication and processing ease would be affected by the merger. MEMBER MOSS was worried that leadership would be affected once MR. McOSKER retires since great leadership starts at the top, but she was relieved to see the other leadership positions were still in place. She was concerned that the Deputy Director position would absorb most of the Director's role, while the proposed Building & Safety Manager positions would absorb the Deputy Director's role, and the pay scale will not match the new responsibilities. She thought

recruitment for these new positions would be a challenge at the existing pay scale and wanted to ensure staff is treated fairly and does not leave the City for better paying positions elsewhere. MEMBER MOSS expects employees from building departments across Southern Nevada to be retiring soon and wants to ensure the City is offering proper compensation.

MR. FLOYD does not expect any change in staff support or service to the Committee, nor the staffing that the Committee will need to review. He explained the pay scales are currently being evaluated since MICHAEL CUNNINGHAM, Deputy Building & Safety Director, will be a Certified Building Official and will need the additional staffing to support his new role.

MEMBER McOSKER created the FY23 Organization Chart based on the 2016 Building Department staffing model, in which there were two managers for Building & Safety. The Director and Deputy Director positions were created after the previous building official retired. MEMBER McOSKER believes that great leadership is supported by those below and not from the top. MEMBER MOSS asked that promotions continue to occur from within, and MEMBER McOSKER advised that is the plan.

7. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding an update to the Enterprise Fund Budget for Fiscal Year 2022

Minutes:

MEMBER McOSKER displayed the Enterprise Fund Budget, which was included in the backup, but noted the December numbers did not post in time for the Committee to review. The data shown was revenue and expenses for the five-month period ending November 2021. He announced that just under \$7.1 million of revenue was collected by the Building & Safety Department, which is 47 percent of the proposed budget and is higher than the roughly 42 percent target. While revenue is higher than expected, he noted December and January tend to be slower due to the holidays. MEMBER McOSKER reported labor expenses to be \$3.3 million, which is 38 percent of the projected budget, with vacancies accounting for the difference of the 42 percent target. He also reported discretionary expenses to be \$2.2 million, which is 35 percent of the overall budget. Combining labor and discretionary expenses, this reflects \$5.5 million in total expenses, or 37 percent of the overall budget. These numbers reflect higher than expected revenue and lower than expected expenses.

MEMBER MOSS asked if non-guaranteed revenue fees were included in the Enterprise Fund Budget since they are not assessed with online submittals. JOSANNA ESPEJO, Senior Management Analyst, explained that those fees including, express admin, express hourly, special inspection, and certification inspection were included and are tracking the same relative percentages as presented at the last meeting.

8. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding an update on deferred sprinkler submittals

Minutes:

MEMBER McOSKER noted interest from the last meeting to introduce a pilot program with Las Vegas Fire and Rescue with regard to deferred sprinkler system plan submittals in houses. He stated they were waiting on a technology solution to automate the holds and the processes, but recognized difficulty with automation due to the communication needed between the three layers of the application process: initial submittal of plans, model approvals, and individual permits. The model is similar to deferred submittals on trusses, which is a manual process requiring inspectors to wait until after truss approval for the rough inspection. MEMBER McOSKER reported three projects since the last meeting are deferred sprinkler submittals, of which two projects had no issues, while the third project was stopped due to missing an approved sprinkler system from the developer's new project manager. He said the process is working as intended but found it unfortunate that projects can be delayed while the deferred sprinkler submittals are submitted and reviewed.

MICHAEL CUNNINGHAM, Deputy Building & Safety Director, confirmed the new process is working as intended and will become more efficient over time. He advised Las Vegas Fire and Rescue is working with the developer on the sprinkler system for the referenced stopped project. CHAIR POTTER asked if the project manager worked at the City, and MEMBER McOSKER advised it was the home builder's project manager.

MEMBER MOSS asked when the pilot program can become permanent for all commercial and residential

builders. MR. CUNNINGHAM stated the pilot program is not public, but they have allowed developers to use it when asked. He will work with Las Vegas Fire and Rescue to set a timeline for an official industry notice.

9. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding the adoption of the 2021 International Building Code (IBC), the 2021 International Fire Code (IFC) and the 2021 Wildland Urban Interface Code (WUIC)

Minutes:

MEMBER McOSKER stated the Building & Safety Department is looking to adopt the 2021 International Building Code (IBC), the 2021 International Fire Code (IFC) and the 2021 Wildland Urban Interface Code (WUIC) due to requirements from the State of Nevada to adopt the current code published by the International Code Council (ICC). He advised they have two years to adopt the code in order to maintain the 75-foot high-rise exemption and to utilize the mid-rise provision located in Section 429. MEMBER McOSKER planned to adopt the IBC and IFC alongside the City of Henderson due to their mutual interest in the 75-foot high-rise exemption, but discussion is on hold due to the WUIC inclusion requirement. He reported the Southern Nevada Home Builder's Wildland Urban Interface Code Committee has studied the WUIC and will be submitting their code change proposals to the Southern Nevada Building Officials (SNBO) without a map, which is under review by a consultant hired by Clark County. He noted the map is required to adopt the WUIC since it will define which lands are Wildland Urban Interface. He expects WUIC provisions to be evaluated at the next SNBO meeting after amendments are proposed by the steering committee, and advised code adoption is required by August 2022.

MEMBER TATUM requested public notification of the upcoming code adoptions since the City of North Las Vegas and Clark County jurisdictions are not on the same timeline. MEMBER McOSKER explained a public meeting would occur after the steering committee confirms the proposed amendments fall under SNBO's criteria for their industry meeting. He expects the City to collaborate with the City of Henderson to present the IBC, IFC and WUIC to their industry partners but cannot confirm a timeline until the map is completed. MEMBER TATUM thanked the Building & Safety Department for their community outreach and asked that it continue.

MEMBER MOSS echoed MEMBER TATUM'S community outreach sentiment and asked for a grace period between adoption and effective date for new development. She asked the Committee to consider discussion on similar admin code changes adopted during the 2018 building code implementation.

CHAIR POTTER asked if any amendments could be adopted across all jurisdictions to assist developers. MEMBER McOSKER stated that was SNBO's vision until the 2018 building code adoption when the City of Las Vegas and the City of Henderson altered their high-rise definition. He welcomes partnership with all jurisdictions and hopes to maintain current amendments; but he is unable to speak for other jurisdictions. CHAIR POTTER thanked MEMBER McOSKER for the comment and reiterated the desire for all jurisdictions to operate under the same rules.

10. Report by Robert Nolan, Deputy Fire Chief, regarding an update on residential fire sprinkler inspections

Minutes:

ROBERT NOLAN, Deputy Fire Chief, reported that 100 percent of inspections were completed on their scheduled date. The public schedules the date of inspection either online or via telephone, and the inspector confirms a time the next day. CHIEF NOLAN confirmed the desire for automated deferred sprinkler submittals but noted the process is still manual until a technology-based solution is adopted. He stated construction development plan submittals receive the highest priority and that 100 percent of construction plan review goals have been met in 2021. He noted the Deputy Fire Marshal position, non-Enterprise funded, is currently vacant, and they are recruiting a Fire Protection Engineer, Enterprise-funded, which has been vacant since December 2010. This recruitment will provide supervision to the Assistant Fire Protection Engineers.

CHAIR POTTER and MEMBERS TATUM and MOSS, commended Las Vegas Fire and Rescue for their achieved goals.

11. **Discussion regarding topics for future agenda items.** Comments made during this portion of the agenda by individual members shall refer solely to proposals for future agenda items and any discussion shall be limited to whether or not such proposed items are within the purview of the Committee and/or whether such proposed items shall be placed on a future agenda. No discussion regarding the substance of any such proposed topic shall occur and no action shall be taken.

Minutes:

MEMBER MOSS requested Items 9 and 10 be placed on the next agenda as long as the Committee meets before August.

MEMBER TATUM asked that recruitment and staffing initiatives be discussed at the next meeting, and MEMBER MOSS later requested Las Vegas Fire and Rescue's recruiting effort be included.

MEMBER HELTSLEY asked that Item 7 be placed on the next agenda and would like the FY23 budget to be discussed at the next meeting.

MEMBER McOSKER echoed previous sentiments for Items 7, 9, 10, and recruitment initiatives. He asked the Committee to discuss the next meeting date.

MEMBER TATUM expressed a desire to wait until after the proposed Community Development merger has taken place while also wanting to discuss the FY23 budget before fiscal year end. MEMBER MOSS echoed the desire to review the budget but noted staff would need to provide an audit of the previous fiscal year budget. She asked staff to provide a timeframe.

JAMES LEWIS, Deputy City Attorney, advised the Committee this agenda item is meant to discuss future agenda items and not meant for long discussions on scheduling the next meeting. MEMBER MOSS questioned if an agenda item should be added to future meetings to discuss the next meeting date, and MR. LEWIS clarified short discussion with staff can be included in this agenda item but long discussion should be its own agenda item.

MEMBER McOSKER requested the next meeting be held in mid-July, after the FY22 budget has been closed.

12. **Citizens Participation:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

13. **Adjournment**

Minutes:

The meeting was adjourned at 10:00 a.m.

Respectfully submitted:

Brian Carroll, Deputy City Clerk

Kevin McOsker, Director of Building & Safety

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov

The Nevada Public Notice website – notice.nv.gov

City Hall, 495 South Main Street, 1st Floor