



## Building and Safety Enterprise Fund Advisory Committee Minutes

### 1. Call to Order and Roll Call

Minutes:

CHAIR POTTER called the meeting to order at 9:02 a.m.

PRESENT: CHAIR POTTER and MEMBERS McOSKER, MOSS and TATUM

ALSO PRESENT: SETH FLOYD, Community Development Director (excused at 10:47 a.m.), MICHAEL CUNNINGHAM, Deputy Director of Building and Safety, JOSANNA ESPEJO, Senior Management Analyst, JAMES LEWIS, Deputy City Attorney, and DEBRA A. OUTLAND, Deputy City Clerk

### 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](http://www.lasvegasnevada.gov); and The Nevada Public Notice Website – [notice.nv.gov](http://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:

None.

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

Minutes:

MEMBER MOSS made a motion for approval, but subsequently withdrew it after it was determined clarification was needed on a couple of items.

Referring to Item 5 from the June 30, 2021, meeting minutes, CHAIR POTTER stated the figures provided regarding revenue and expenses from Fiscal Year 2020 did not equate. He also questioned the percentage of money for professional services that was given back.

After discussion between the Chair, JOSANNA ESPEJO, Senior Management Analyst, and MEMBERS McOSKER and MOSS, it was decided the minutes should be held in abeyance until the next Committee meeting so staff can research and provide clarification on the Fiscal Year 2020 budget.

Referring to Page 2 of the minutes, CHAIR POTTER began to speak about the recalculation of facility costs; however, MEMBER MOSS commented this item is to determine whether the minutes are reflective of what was put on the record, adding a budget update would be provided under another agenda item at this meeting.

Motion made by Amanda Moss to Hold in Abeyance to the next meeting

Passed For: 4; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

5. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding the impact the permit fee increase had on the Fiscal Year 2021 Enterprise Fund Budget

Minutes:

MEMBER McOSKER reported through the first quarter of the fiscal year, actual revenues totaled \$4.1 million of a budgeted \$15.1 million, or 27 percent, which is two percent over the targeted 25 percent, making revenue projections pretty solid. Current labor expenses total \$1.8 million, or 21 percent, which is slightly under the targeted 25 percent at this point in the fiscal year and is typical due to vacancies.

The meeting was recessed from 9:15 a.m. to 9:18 a.m. to allow for the backup material being referenced to be provided and displayed for all of the members.

MEMBER McOSKER reiterated the statistics for the first quarter, noting they are slightly above their projected revenue. Non-labor expenses for the first quarter of the fiscal year totaled \$1.4 million, or 22 percent of \$15.1 million, with total expenses being \$3.2 million, or 21 percent, so they are tracking budgetwise where they should be. He noted the General Government Cost Allocation (Account Number 599000), which is the money the Enterprise Fund pays the City for services such as the City Clerk, City Attorney, Human Resources, Payroll, etc., at \$2.8 million, is significantly higher than previous years, but is tracking exactly at 25 percent.

Referencing her question from the last meeting, MEMBER MOSS stated since the fee increase was essentially based on the study, where the consultant did not take into consideration the express fees, but staff did, she wanted to make sure the numbers were still in line given the fact that the City went online and has seen a decrease in the number of individuals using express plans check. Essentially, the fee increase was instituted to bring the cost more in line with the processing time, but given the reduction in supplemental revenue, it appeared the budget was still healthy thanks to MEMBER McOSKER and his staff. She said this satisfied her original question, but she still had two questions related to the impact of the move and when they become fully staffed.

MEMBER McOSKER stated if they reach the point where they are fully staffed, he would anticipate getting closer to the 25 percent target for expenses as it pertains to labor. However, during his time at the City over the past five years, he did not believe they have ever been 100 percent fully staffed, nor would they be, as they always carry a few vacancies. MEMBER MOSS noted the minutes referenced a total net loss of nine positions, and with the construction industry not seeing a slowdown, the question became what the impact on the budget would be as those positions were filled. She also recognized qualified labor individuals are hard to come by.

MEMBER TATUM asked if the Other Professional Services line item for \$1 million was related to the outsourced plan check reviews. MEMBER McOSKER confirmed. In terms of cost to date, MEMBER TATUM asked if staff believed this trend to remain consistent given the current staffing levels and overall development that is occurring. MEMBER McOSKER stated he did not believe nine percent to be an accurate number, as there has been a delay in receiving invoices for charges from some newer consultants, which results in the recording not always happening in the timeframe in which services were provided. JOSANNA ESPEJO, Senior Management Analyst, added one consultant underwent a system transformation, and has not invoiced the City for three months, so those numbers are not reflected in the budget actuals at this point, but they will catch up.

CHAIR POTTER wished to state for the record that 25 percent for the General Government Cost Allocation seemed high. MEMBER McOSKER encouraged staff to find ways to decrease that as well.

Referring to a chart included in the backup, MEMBER McOSKER reported on how the fee increase that went into effect July 1, 2021, affected the revenue in the Enterprise Fund budget. The first quarter of the previous fiscal year was used for comparison, but he acknowledged the City was operating during a pandemic at that

time. Revenue in the first quarter of Fiscal Year 2021 totaled \$3.6 million, with a permit volume of 6,320, compared to \$4.1 million in the first quarter of Fiscal Year 2022 with the fee increase, and a permit volume of 6,621. This equates to a revenue growth of 15 percent, and a five percent growth in permit volume. Although the comparison is not 100 percent apples to apples, there appears to be about a 10 percent growth in revenue, with permit volume being the same. MEMBER McOSKER pointed out permit valuations vary and can be driven down by such things as homeowner remodels, but this provides a snapshot perspective.

MEMBER MOSS asked if there was any concern of approaching the statutory cap limit given the increase of higher valuation of commercial and industrial projects that continue to come into the city. MEMBER McOSKER referenced a capital reserves fund, stating last fiscal year, they ended a little above the statutory limit related to actual expenses, and with the budget cut last year, the expenses were less than what they would have been under normal operations. He further explained they are currently tracking to be under the reserves, but there are three quarters remaining in the fiscal year.

MEMBER MOSS commended MEMBER McOSKER and his staff for diligently tracking this given the variables that make it difficult to stay consistent. MEMBER McOSKER thanked MEMBER MOSS for the recognition and went on to acknowledge MS. ESPEJO, who does all of the budgeting numbers in the Enterprise Fund.

6. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding non-statutory fees

Minutes:

MEMBER McOSKER referred to the statutory and non-statutory fee charts in the backup during this report. He stated the fee study was performed by CHAD WOHLFORD, who did not take into consideration those fees classified as non-statutory or special services fees. These are fees not directly related to the core level service of permitting and inspections. They include a special service above and beyond that, such as an overtime inspection or express plan review. These fees are defined by statute, but are not statutory in the sense that a fee must be paid in order to get a permit.

The prior fees in the fee study were at 56 percent cost recovery; at the time of the fee study, we had 24 percent non-statutory fees; a fee increase was developed that would target about 16 percent of building permits, which together would equal a total of 96 percent cost recovery. Staff did not wish to go to 100 percent in order to provide a buffer, knowing the WPI (Wholesale Price Index) cost inflation index can be adjusted in the future. MEMBER McOSKER reviewed the statutory fees and non-statutory fees over the last five fiscal years. Non-statutory fees decreased partly because of a lesser reliance on express plan review and partly because of a more diligent effort by staff to provide services under a philosophy other than the department has had in the past.

Taking the non-statutory fees and other components into consideration, MEMBER McOSKER said the cost recovery equates to approximately 83 percent, noting there are a lot of variables in trying to get to a 100 percent cost recovery model. He believes they run a pretty good organization with revenues higher and expenses lower than what was projected, plus they still have the buffer between full cost recovery and what is calculated. He added although the cost inflation adjustment is available, he did not believe that to be necessary at this point. They are just slightly under the 50 percent cap, and are not in any position to request an increase based on inflation, but these are unusual times as it relates to supply chain issues and money flowing freely, so staff will continue to see what impact supply and demand issues have over the next couple of years in terms of inflation. Speaking to MEMBER MOSS' concerns regarding the lessening of reliance on special services having a negative impact, he agreed it would have an impact, but at this point in the budgeting process, he did not believe it would have a negative impact with respect to the services the department can provide, revenue being collected or anticipated expenses.

MEMBER TATUM stated he liked the metric and found it informative, but said the naming convention was somewhat confusing, and he wondered if there was a better way to identify those elective fees because they are still statutory, but the fee applied is based on whether or not the customer requests that service. MEMBER McOSKER agreed, acknowledging when a customer makes such a request, staff refers to the statute to determine the fees.

JOSANNA ESPEJO, Senior Management Analyst, said she refers to them as special services because they

involve overtime inspections or other special inspections that would not typically be included in the normal scope of inspections for a permit. Express plan review, express hourly fees and overtime permit fees for an expedited review are all fees that come in at the request of the customer and are not standard in the permitting process.

The members wondered if a motion should be taken with regard to the naming convention. DEPUTY CITY ATTORNEY JIM LEWIS advised the item was not agendaized for action to be taken, but staff could take direction from the members and consider a naming convention that was more reflective of what the metric is meant to represent. MEMBER McOSKER stated they will be referred to as a special services fee.

MEMBER MOSS stated at a prior meeting she requested the item related to future agenda items be included on every agenda to make these types of requests at a public meeting, so the public is aware of what will be discussed at a future meeting and that action may possibly be taken.

7. Report by Richard Rozier, Acting Fire Marshal, regarding an update on residential fire sprinkler inspections

Minutes:

RICHARD ROZIER, Acting Fire Marshal, referenced the five-page document which was submitted for the record and is attached as backup. He stated it was his understanding that DEPUTY FIRE CHIEF ROBERT NOLAN provided a report at the last meeting through the end of Fiscal Year 2021, and he would report on July 1, 2021, to October 22, 2021. He noted Pages 1-3 reflect inspection statistics, and Pages 4 and 5 reflect engineering statistics.

MR. ROZIER reviewed the total number of inspections, which are down from 3,269 to 2,986, or 8.7 percent. This decline is most likely from commercial fire permits, which were down from 2,114 to 1,416, or about 33 percent. Of the 2,986 inspections, 2,974 were completed on the day they were requested, or 99.6 percent of the time. Single-family tract inspections are up approximately 73.7 percent, from 585 to 1,016 from this same time last year.

MR. ROZIER went on to report there were 2,350 plan reviews last year, and 1,908 this year, which is down about 18.8 percent. Out of those 1,908 reviews, 1,865 were completed within the 14-day standard, or 98 percent of the time. He reiterated the largest decline, which accounts for the majority of the decrease, related to fire permits, which were down 39.3 percent. Lastly, single-family home tract reviews are up 26.6 percent, from 192 last year to 243 this year.

MEMBER MOSS thanked MR. ROZIER for the report and expressed appreciation for the continued dialogue regarding the timeframes the department is meeting and sometimes exceeding. Given the relationship between the Building and Safety Department and Fire and Rescue, she liked having this item on the agenda to make sure the timeframes are in line, which relates to the expectation and predictability of her residential builders.

Speaking from the commercial development side, MEMBER TATUM commented on the metrics perspective of the quality of the work these departments do, but also the qualitative aspect and thanked them for continuing to be available and answering the call when the development community asks to speak with them. He appreciated their efforts and what they do.

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

Minutes:

MEMBER McOSKER reported this applies more to the residential application, as they are currently deferring sprinklers on the commercial side of their development process. He said discussion took place with the homebuilders regarding a process that was similar to the commercial side, where the City would allow deferred submittals for residential fire sprinklers on tract housing projects. Initially, the hope was to find a technology solution that would ensure holds were placed on permits so sprinkler systems were not missed and then later had to be addressed at an unfortunate time. In looking for such a solution, part of the challenge in working with the Department of Information Technologies (IT) was developing that through the INFOR database. Additionally, there were numerous other priorities, some of which were a higher and better use of IT resources,

such as re-building the inspector mobile app. He said he discussed processes with RICHARD ROZIER, Acting Fire Marshal, regarding how they might be able to facilitate a sprinkler deferred submittal with residential applications, and deferred to him to comment.

MR. ROZIER confirmed they had a conversation about how that might look and said he talked to their engineers and the supervisor over the engineering staff, but they are limited with regards to technological solutions. Instead, they are looking at more of a manual solution whereas permits come in, manual holds are created or the whole process eliminated altogether, whereby field staff are educated about making sure all boxes are checked (i.e., before conducting a drywall or final inspection, to make sure the sprinklers are signed off). He said the possibility of a pilot program was discussed whereby the process could be tested on a couple of developments in order to work out any bugs because they do not want to jump into anything and have problems arise that cannot be solved on the spot. If the pilot program works, then they can expand it.

MEMBER MOSS thought this was a helpful update and stated she could support the pilot program. She noted one of the current challenges with the manual check is when someone comes in with a revision to the architectural plan, but not the fire sprinkler plan, and the project is delayed six to 12 weeks because someone forgot to check the manual hold box. She said she would follow up with both departments regarding the implementation of the pilot program and wanted to make sure it would remain on IT's to do list. MEMBER McOSKER added the manual process will be similar to how residential inspections occur with wood trusses because it is very challenging and problematic to place and remove the hold through technology. Staff wishes to try the pilot program to see if it works and not rely completely on the IT system.

CHAIR POTTER asked what staff's best guess was as far as the timeline for this process to be implemented. MEMBER McOSKER stated they would first engage with the Southern Nevada Home Builders Association, MEMBER MOSS and her group to figure out which projects are in the pipeline to be submitted, so it is difficult to commit to a specific time. He believed, however, a submittal may come in in the near future.

MEMBER MOSS said she would request under Item 11 that an update be placed on the next agenda.

9. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding an update on department staffing

Minutes:

Items 9 and 10 were heard together.

MEMBER McOSKER reported they are currently working on a process to submit their staffing plan for the next fiscal year, and part of that impacts the next agenda item, which is the merger of the Building and Safety Department with the Planning Department. Work on the budget starts in January, and he asked MICHAEL CUNNINGHAM, Deputy Director of Building and Safety, to report on Fiscal Year 23's budget with regard to positions, since staffing is the biggest part of their budget.

MR. CUNNINGHAM reviewed the proposed staffing plan for the next fiscal year, but emphasized it was simply a proposal and still had to go through the formal process. Recruiting for Plans Examiners has been a challenge, so they are working with Human Resources to update that position to a Residential Plans Examiner position. Two positions are being proposed that would focus strictly on residential, which will allow their current five Combination Plans Examiners to handle all of the heavy commercial and only fill in on the residential side when needed. This would prove beneficial four ways. About \$1 million is spent every year on consultants, and adding these two positions will provide a little more control and less reliance on those consultants. Second, being this is Las Vegas, there are large commercial projects, and with the current workload and the heavy residential demand, a lot of the commercial reviews have to be sent out. Adding these positions will hopefully allow for those commercial project reviews to be done in-house. Third, this allows for succession planning. Currently, to go from a Permit Technician or Inspector to a Plans Examiner, you need to be willing to jump into a full Combination Plans Examiner role, which can be daunting with all of the certification requirements. This proposal will provide an additional step where one can focus just on residential. The last and biggest benefit is consistency. The City uses three consultants, plus in-house staff for residential reviews, so the reviews are not always consistent. The builders get different comments depending on where the reviews take place. A smaller subset of individuals who can focus on residential will make it easier to obtain that consistency.

MR. CUNNINGHAM went on to discuss the Inspection Supervisor position. Currently, there are 29 positions between the inspectors, auditors and sewer billing staff, so the supervisors have to support their teams in addition to completing their day-to-day work and assist with complicated projects. One new supervisor position is being proposed to help alleviate this. Another issue is that the downtown core is very active right now with new construction and Code Enforcement cases, so the current supervisor does not get out to the west as much as he would like to. Having this new position will help divide that up so the inspectors can get the support they need from their supervisor.

Specific to the merger, MR. CUNNINGHAM said they are proposing a Building and Safety Manager position to help divide up the work to make sure the teams are getting the support they need, external partners are getting the assistance they need and to make sure the City stays involved with various organizations and the community and to be able to service both customers and internal team members.

With regard to retirements and new hires, MR. CUNNINGHAM reported there have been some retirements since July 1, 2021, but not all were within the Enterprise Fund. Two Combination Inspectors retired, but those positions were filled recently, and those individuals are currently going through the training process. There has also been one promotion from a Plans Examiner to a Plans Examination Supervisor.

MEMBER McOSKER wished to conceptualize the Building and Safety Manager component of the merger. With his pending retirement sometime next year, MEMBER McOSKER said adding his duties to those he already typically delegates to MR. CUNNINGHAM, would be overwhelming. MR. CUNNINGHAM is currently the Deputy Director, and the front line supervisors report directly to him. If he becomes the Building Official, there will be additional duties, industry meetings, and co-development working with the City's partners, Council Office and the Director of Community Development. Having a manager will provide better support to supervisors on a day-to-day basis and build the bridge to the succession plan on a supervisory level. He added because this is a cost/labor issue, they wanted to bring it before the Enterprise Fund Committee, and he asked for the members' thoughts regarding the proposal.

MEMBER MOSS asked where this plan was in the process, as far as if it will be brought to the Committee and then Finance for next year's fiscal year budget or if they planned to implement it earlier. MEMBER McOSKER explained there is a preliminary submittal to Human Resources prior to going to budget next year, and this is a good point in which to ask for input from the Committee regarding an additional supervisor, two Residential Plans Examiner and the Building and Safety Manager positions for next fiscal year. This is a preliminary step in the process, as how this will affect the budget still has to be determined and approval through the City Manager's Office has to be obtained as it moves forward.

MEMBER MOSS asked if having five Combination Plans Examiners and two Residential Plans Examiners compared to other jurisdictions. MR. CUNNINGHAM was not sure about Clark County, but explained Henderson has a similar model in terms of staffing and is experiencing the same issues as the City. He also clarified the City has six Combination Plans Examiners, because there are five in place and one vacancy that is being filled.

MEMBER MOSS agreed the City was most comparable to Henderson and could support this first piece due to the workload. With regard to the succession plan and retirements, she thought this was a fantastic idea and supported promoting from within. Logistically, knowing there is an upcoming retirement, she wondered how quickly the internal hiring process might take. MEMBER McOSKER explained that involves a formal process, and typically, the vacancy has to be realized in order to fill the position. However, in some cases, the City allows a position to be dual-filled to meet critical needs.

MEMBER MOSS indicated the industry's support of dual-filling the position. In terms of inspections and the 29 positions in the plan with the one new supervisor position, she asked what other steps were made in terms of moving staff around or if consideration had been given to expanding a video inspection program in the event the proposal was denied at some point in the approval process so there is a process in place that will help resolve some of the inspection issues. She also asked how the City compared to other jurisdictions in the valley regarding the number of inspections per inspector.

MR. CUNNINGHAM responded the only real change so far involved a reporting change for the two auditors and sewer billing inspectors. With regard to the inspectors, the goal for the number of inspections per inspector per day is around 25. Anything above that may result in pushing the inspectors too hard, which can affect the quality of the inspection. He re-emphasized the supervisor position is to ensure the inspectors have the support they need, especially when there is a complicated project involved.

MEMBER McOSKER added one supervisor handles everything north of Lake Mead Boulevard, and one handles everything south of Lake Mead Boulevard, which can be considered downtown and west Summerlin and are two unique construction areas. Downtown is a challenge because there is older construction and larger projects, which takes a supervisor dedicated to that part of the city. They want to have one downtown supervisor and two suburban supervisors, and he stated the proposal will provide the opportunity for more support for the front-line inspectors in the field.

MEMBER MOSS appreciated the discussion and ability to preview the proposal before it continues to move through the process. She said it sounded like a great, well thought-out idea. To ensure proper staffing so they do not burn out is incredibly important, and she was generally supportive overall of what was being proposed.

MEMBER TATUM asked if there was a report showing current staffing as far as the number of positions filled versus vacancies. MR. CUNNINGHAM stated there is a staffing plan that shows that information, but thought it may include personal information. MEMBER TATUM clarified he was merely looking for position titles and whether that position was filled or not. MEMBER McOSKER committed to provide some backup information or an organizational chart related to the staffing plan that includes raw numbers, but no names. MEMBER TATUM commented the private sector understands the challenge from a staffing perspective, and they have to be flexible adapting to the current situation with COVID-19 and other ancillary factors related to the labor market. The Committee will support and remain open minded to listen to whatever staff wishes to present to them in terms of the conceptualization of staffing or organization, and they appreciate the opportunity to do so.

MEMBER TATUM asked about the merger component of Community Development related to the responsibilities of MR. CUNNINGHAM and changes to the functions, roles and responsibility and if there was something they could review in order to better comment.

MEMBER McOSKER introduced SETH FLOYD, Director of Community Development. Item 10 was opened at this point so discussion regarding the merger could take place under this item as well. MR. FLOYD explained he was hired out of the City Attorney's Office as the Director of Community Development, which technically does not exist yet. The idea behind the merger and what he was hired to do is to bring most of the development services under one umbrella. There are a lot of cross-over questions between the Planning and Building and Safety Departments, and while their functions do not cross-over, they do collaborate often, so the merger will provide some consistency.

Timing wise, MR. FLOYD explained most of the administrative part of the merger is anticipated to be done by the end of this fiscal year. Starting next fiscal year, some budget, Human Resources and administrative functions will be combined. He noted there is no written plan at this time; those involved have just started meeting over the last month or so to sort out how the merger is going to happen. He explained the Planning Department handles all land use entitlements, code enforcement and business licensing. At a high level, Building and Safety is another line of business that will be added to that, but he did not believe there would be much change on a day-to-day or workflow perspective. At this time, the plan is for MR. CUNNINGHAM to remain the Deputy Director, and everyone that reports to him currently will continue to do so. He reiterated the Committee would not see much of a change, as most of the changes will be at a higher level and at the administrative level.

MEMBER TATUM asked at what point the Committee was expected to provide comment as it relates to the timing of the effective date. MR. FLOYD clarified there will not be a written plan that gets approved by the Committee; it is more of an internal combining of departments. Nothing will change with the Enterprise Fund, as the Committee was set up under statute with rules and obligations they have to meet regardless of the overall management of the department. He offered to report back to the committee how they are progressing through

the merger process and on any changes that might affect the Committee.

Referring to MEMBER McOSKER'S previous comment regarding input from the Committee on positional responsibility changes, MEMBER TATUM asked what the Committee was to look at to help facilitate that process. MEMBER McOSKER responded there will be open conversation about the position and the department's needs as an Enterprise Fund, but they have not conceptualized a document that provides direction or guidance on the process.

Speaking to the merger, MEMBER McOSKER stated it has been discussed for a couple of years and has always been contingent on the idea that in 2022, he will be retiring. He noted the Building and Planning Departments merged when he was with Clark County. He was a plans checker at the time, and the day following the merger, he was still that and reported to the same supervisor. The merger will really affect the leadership and administrative functions. A part of that involves re-looking at the organization from a strategic perspective overall, as the two departments are very closely tied to the permitting process. He added there have been conversations with the Finance Department, Current Planning and the Building and Safety Department regarding the budget, and currently, the plan is to leave all lines of business under separate budgeting items in their same silos, so those individuals working under the Enterprise Fund will remain there.

MEMBER McOSKER stated he anticipates the responsibilities under the Enterprise Fund that they have to the Committee will remain static. In terms of a plan, they will continue to have open engagement with the industry throughout the next year. He will have 30 years in the public sector in July 2022, so this change will be made sometime in the next fiscal year, which begins July 1st. MR. CUNNINGHAM thought MEMBER TATUM was inquiring about the additional duties he would be taking on, but indicated that had yet to be determined, and at the next meeting they could report on what additional roles they foresee his position taking on as a result of the merger and the justification for needing the new manager position. MEMBER TATUM confirmed.

MEMBER MOSS stated her concern as a taxpayer is for this discussion to move forward without the vote of the City Council and for positions being filled without public input, but she said it sounded as though the merger made sense. She added there seems to be no advice the Committee can provide, because the merger appears to be inevitable. She does not know MR. FLOYD personally, but it sounded like the discussion that has already taken place makes a lot of sense. She liked the fact there has been coordination and that there will be enough time for communication to avoid any hiccups that might affect the development community. In terms of the budget, she liked the clarity of the intent of the General Fund versus the Enterprise Fund.

MEMBER MOSS continued by asking if the new supervisor position would be half General Fund, half Enterprise Fund and who that person would report to. MEMBER McOSKER stated there will definitely be a manager over the front-line supervisors to provide MR. CUNNINGHAM with the opportunity as the Building Official to maintain the engagement with community partners in the construction, plumbing, electrical and mechanical industries along with the design professionals. Keeping that communication open and having the Building Official accessible to these groups is very important and a necessity in his opinion. He expressed concern adding his current duties to MR. CUNNINGHAM'S along with what is required of the Building Official and answering staff's questions, as that would be very taxing on one individual. He thought the point of this discussion was throwing this on the table for the Committee to consider without a whole lot of data or support, and he appreciated the commentary.

MEMBER MOSS asked if MR. CUNNINGHAM, if given the Building Official role, would then report directly to the new supervisor. She thought that was countering the great work that was just done with regard to promotions and opportunities for growth. MEMBER McOSKER apologized because he did not make it clear that the front line supervisors that currently report to MR. CUNNINGHAM will report to the new manager and then that manager and another manager in the off-site group would report to MR. CUNNINGHAM. MR. CUNNINGHAM would then in turn, report to MR. FLOYD. MEMBER MOSS recognized MR. CUNNINGHAM would have only one additional level to report to, not two. MEMBER McOSKER sees MR. CUNNINGHAM'S role as not changing in the organization, except he will become the Building Official and will have that added responsibility in addition to what he is currently doing, and then there will be an intermediate supervisor between him and the front-line supervisors.

MEMBER McOSKER clarified for MEMBER MOSS they were only proposing one new position, and they will actually be net zero. Upon his retirement, his position will be filled with a manager, who will report below MR. CUNNINGHAM. MEMBER MOSS asked for clarification regarding the vacant Deputy Director position. MR. FLOYD explained MR. CUNNINGHAM will remain a Deputy Director, but will also get the adjunct Building Official title and that the Director of Building and Safety position will be eliminated upon MEMBER McOSKER'S retirement. He said there will be a Director of Community Development, which is his position. The proposal involves having additional supervisory and manager support under MR. CUNNINGHAM, who will report to him and then ultimately under the Director. MEMBER MOSS asked whether the benefits package would then be greater because of the additional role as Building Official. MR. FLOYD indicated that would not be the case. MR. CUNNINGHAM would take on additional duties with the same pay. He further explained his classification will not change. He will remain the Deputy Director and become the certified Building Official, but because this involves taking on additional responsibilities, another level of management will provide support to take on some of MR. CUNNINGHAM'S current duties. MEMBER McOSKER confirmed this to be the intent. MEMBER MOSS stated the members have a lot to digest in order to understand how this will be implemented, but she appreciated the discussion.

Noting the Enterprise Fund was created under Senate Bill 184 and Nevada Revised Statute 354.59891, CHAIR POTTER asked if making the proposed changes resulted in any issues related to this and requested a written attorney opinion on such. DEPUTY CITY ATTORNEY JIM LEWIS commented as this process moves forward, they will keep his request in mind. However, to his knowledge, nothing changes other than the merging of the two departments. The Chair stated most mergers involve money, which is his concern. The Committee has very limited control other than in an advisory capacity, but one of their clear goals is to make sure they receive the services and control the money the best they can. He also expressed disappointment in management because it was stated this topic has been discussed over the past two years, but this is the first time the Committee is hearing about it. He requested a current organizational chart and one that is being proposed. He also requested the advantages of the merger in a written proposal. He was not sure making a major change when MEMBER McOSKER retires was the right thing to do. He said it was inevitable, but he would like to closely review it. He also asked about MR. FLOYD'S qualifications and background.

MEMBER MOSS echoed CHAIR POTTER'S concerns, stating she would also like to know the organizational structure, the salaries and the reporting chain. She also wanted to know when the Committee would meet again and requested that take place prior to the end of the year so their questions can get answered prior to MEMBER McOSKER'S retirement.

MEMBER McOSKER said there was a lot of very strategic planning discussions regarding how to organize the two departments over the last couple of years, but it did not become real until MR. FLOYD was hired. He apologized to the Committee and assured them part of this process is to make the Enterprise Fund whole and to communicate with the Committee throughout the process. He agreed this was sprung on the members, but thought there was an opportunity to meet again prior to the end of the year to provide the information they requested. He said there are some advantages and having the Building Official report to the Community Services Director is not a radical departure from how jurisdictions in the valley or throughout the country organize their Building and Planning Departments.

MEMBER MOSS thought the way it was sprung on the Committee was somewhat radical. She also commented on the fact that a position was being eliminated and more work being given to someone without additional pay was unfair and requested this be discussed further at a future meeting.

10. Report by Kevin McOsker, Director of the Department of Building & Safety, regarding an update related to the merger of the Building & Safety and Planning Departments creating the Community Development Department  
Minutes:  
This item was heard in conjunction with Item 9. See Item 9 for related discussion.
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 the following items be placed on the next agenda:

1. The abeyed minutes from the June 30, 2021 meeting
2. The minutes from this meeting
3. An update on residential fire sprinkler inspections
4. An update on the deferred sprinkler submittal pilot program and implementation timelines
5. An update on the 2021 Building Code and the Wildland-Urban Interface Code
6. An update on the merger of the Building and Safety Department with the Planning Department, to include the Nevada Revised Statute piece, legal justification, the salary makeup, an organizational chart, the reporting chain and which positions will be eliminated

CHAIR POTTER requested the following:

1. The current organizational chart and that which is being proposed
2. The advantages of the merger to the Enterprise Fund in a written proposal

MEMBER TATUM agreed with the sentiment of the Chair and MEMBER MOSS, but had all confidence that the intentions were good, and it is just a matter of the context of their role in this process of evaluating budgetary requirements and staffing, and they would like the opportunity to do their job in that context.

CHAIR POTTER stated the normal process typically involves coming up with a concept, developing that concept and then hiring someone, and in this instance, MR. FLOYD was hired and then the plan developed. It sounded like this was the catalyst along with MEMBER. McOSKER'S retirement, but he was not sure that was the right planning process.

MEMBER McOSKER asked about the timing of the next meeting. MEMBER MOSS stated her preference would be to hold another meeting prior to the end of the calendar year, but it would depend on how long it would take staff to compile the requested items. CHAIR POTTER agreed the sooner the better, but he noted the difficulty in scheduling a meeting with the upcoming holidays. MEMBER MOSS suggested the possibility of either early December or January. MEMBER TATUM agreed with that timeline, but added the priority is making sure the information requested will be available whenever the meeting is scheduled and leaving enough time for the members to digest, understand and opine on such prior to MEMBER McOSKER'S retirement. MEMBER McOSKER acknowledged the importance of meeting and stated they will do their best to facilitate schedules.

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 10:55 a.m.

Respectfully submitted:

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Debra A. Outland, Deputy City Clerk

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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](http://www.lasvegasnevada.gov)

The Nevada Public Notice website – [notice.nv.gov](http://notice.nv.gov)

City Hall, 495 South Main Street, 1st Floor