

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117**



Huerfano County Building Authority Board (HCBA) Staff Report

Complaint: This complaint is made by Amy Valdez stating that Rocky Mountain Windows and Exteriors did not do the job agreed to in the contract agreement. The job in question was not permitted and neither is the Contractor Licensed in Huerfano County.

Currently: A courtesy inspection was conducted by Building Inspector Ryan Sablich per the homeowner's request and he concluded that the installation was incomplete.

Huerfano County Building Regulations:

Section 2.02 Meetings of the Authority

- .01 The Authority shall hold regularly scheduled meetings and at the last meeting of a calendar year the set the schedule of meetings for the forthcoming year.
- .02 All meetings shall be open to the public and an agenda of items to be considered by the Authority shall be made available to the public at least one working day prior to the meeting. The Authority may call special meetings to review, discuss, recommend or take action on matters that may periodically come to its attention.
- .03 A majority vote of the voting members of the Authority is required for a recommendation, decision or determination. A roll call vote shall be recorded in the minutes of the meeting. Approved minutes of the Authority meetings shall be available within a reasonable time after any official meeting of the Authority.
- .04 Any person(s) wishing to have a transcript of the proceedings may have a court recorder present at their own expense. Electronic recordings may be purchased but will not be transcribed.
 - (a) Half plus one of all filled seats will constitute a quorum and such a quorum is required for the purpose of conducting the Authority's business.

Section 2.03 Powers and Duties of the Authority

The Authority shall have the Powers and Duties as established in this Section 2.03.

- .01 The members of the Authority shall be familiar with all uniform codes, international codes, model codes, and local ordinances adopted by the county regarding the residential and commercial building industry.
- .02 The Authority shall hear any appeals of orders, decisions or determinations made by the Staff relative to Contractor Licensing or the application and interpretation of this Code.
- .03 The Authority shall hear any complaints against contractors, whether originating from Staff or the public, and after a public hearing, issue a determination and if needed issue a warning, suspension, or revocation of the contractor's license or building permit.
- .04 The Authority shall advise participating jurisdictions, including the Huerfano County Board of County Commissioners regarding the licensure of contractors and tradesmen, including but not limited to A, B, or C general contractors, mechanical contractors, specialty contractors, and mobile home contracting businesses.
- .05 The Authority shall set experience requirements for contractors by resolution of the Authority and without the approval of the participating jurisdictions.
- .06 The Authority shall review and either Approve, Conditionally Approve, or Deny applications for the following:
 - (a) to use alternative building methods
 - (b) for a Certificate of Occupancy to be issued after the lapse or expiration of a building permit
 - (c) for a Certificate of Occupancy to be issued when the inspection record is incomplete.
 - (d) to convert a non-residential structure into a residential structure

Section 2.04 Procedures of the Authority

- .01 At public hearings conducted by the Authority, any party at interest shall be allowed to present evidence and to cross-examine witnesses. A party at interest for this purpose shall be defined to include:
 - (a) an applicant or duly appointed representative(s) of an applicant,
 - (b) a party issuing a complaint or their duly appointed representative(s),
 - (c) any party that a complaint has been issued against or their duly appointed representative(s),
 - (d) owners of and tenants on property adjacent to the site(s) under discussion including the site under discussion,
 - (e) members of the Authority and the Governing Boards of participating Jurisdictions, as well as the officers, agents, or representatives of said boards.
- .02 Public hearings before the Authority shall be conducted by the Chair of the Authority or another competent person selected by the Chair to act as Hearing Officer. At the discretion of the Hearing Officer, evidence and other testimony may be accepted from persons present at the hearing who are not parties at interest, as defined above.
- .03 The Hearing Officer may, at their discretion, limit the presentation of evidence and cross-examination in order to prevent repetitive, redundant or superfluous evidence or cross-examination.
- .04 All public hearings before the Authority, if tabled, postponed or continued, must be so designated and announced to continue at a date and time certain.
- .05 Whenever the Authority decides to table review, discussion or action on an agenda item before the Authority, it may do so without further notice to the affected parties. The matter tabled shall be rescheduled within thirty (30) days from the date of the meeting at which it was heard unless the Authority receives written consent from the applicant to extend the time period. If an applicant or duly appointed representative is not present, the Authority may decide on its own initiative to continue a proposal or other agenda item.

- .06 Applicants or Complainants and Respondents appearing at a public hearing before the Authority shall be notified in writing within ten (10) working days after the Authority takes action or makes a recommendation of the action taken or recommendation made and any comments or special conditions recommended by the Authority.

Key Considerations: There was no contractor's license obtained nor did they apply for a building permit. When talking to the contractor, James Christensen, he did not believe he needed to have either one. When talking to the customer Amy Valdez, she was unaware of the need for a building permit for the window installation.

Staff Thoughts/Comments: Both parties were talked with at length, as well as a building inspection conducted. James Christensen stated he had no problem getting a Contractor's License and a Building Permit. He didn't obtain them prior to the installation because he didn't feel he needed them. It is suggested that Rocky Mountain Windows and Exteriors should get a contractor's license and pull a building permit, paying double the fine for not getting one originally.

Additional Information: The land owner and the contractor have a civil dispute regarding the payment of the job. This should **NOT** be addressed in the HCBA meeting by either party.