



CITY COUNCIL ACTION FORM

Department	Presented by	Date
City Attorney	Nina P. Williams - City Attorney	February 16, 2021

ITEM

Resolution 2021-03 – Recommending and Supporting Amendments to the City of Salida’s Intergovernmental Agreement (IGA) with Chaffee County for Building Inspection Services

BACKGROUND

As discussed during the presentation of Ordinance 2021-01 at the City Council’s last regular meeting, the Council has identified certain property maintenance and building structure safety/habitability issues as a priority. Through the City’s enforcement of particularly egregious cases, City staff (including the City Attorney, Police Chief, Community Development Director, and City Administrator), have noticed numerous issues with the City’s current Intergovernmental Agreement (IGA) with Chaffee County for Building Inspection Services.

In working through these enforcement cases involving property and safety violations, City staff has identified inconsistencies and conflicts between the IGA and the technical International Building Codes, as adopted by the City in Chapter 18 of the Salida Municipal Code. These conflicts make it impossible to enforce certain serious and unsafe violations of the building codes due to inconsistencies regarding notices and personal services to be made, directed and pursued by the City’s “Code Official”, who is the Chaffee County Building Department (pursuant to the IGA). However, the same IGA states that the County will not be responsible for appeals, and further will not be responsible for pursuing violations of the City’s Building Code. The County Building Department has confirmed their interpretation of this conflict in the IGA, leaving the City’s hands tied to pursue and fix certain properties and structures. All combined, this



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leaves a practical gap in enforcement and creates an inability to remedy or abate certain dangerous, unsafe, unstable and uninhabitable structures.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff strongly recommends approval of Resolution 2021-03 in order to direct staff to resolve any conflicts and inconsistencies between the Building Inspection IGA and the international technical codes to have clear and practical ability for enforcement and safety.

SUGGESTED MOTION

A City Councilmember should make a motion to approve Resolution 2021-03 recommending and supporting amendments to the City of Salida's Intergovernmental Agreement with Chaffee County for Building Inspection Services, followed by a second and a roll call vote.

CITY OF SALIDA, COLORADO
RESOLUTION NO. 03
(Series of 2021)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
RECOMMENDING AND SUPPORTING AMENDMENTS TO THE CITY OF
SALIDA'S INTERGOVERNMENTAL AGREEMENT (IGA) WITH CHAFFEE
COUNTY FOR BUILDING INSPECTION SERVICES**

WHEREAS, the City of Salida, Colorado ("City") is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council ("Council"), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, the City Council, while discussing Ordinance 2021-01 at its February 2, 2021 regular meeting, regarding the amendment of adoption by reference of various technical international codes in Chapter 18 of the Salida Municipal Code, Council and City staff also discussed recent issues and the inability to enforce said international code violations, due to a conflicting Intergovernmental Agreement ("IGA") with Chaffee County; and

WHEREAS, the City Council has been advised that by relevant City staff and the City Attorney that the current "Building Inspection" IGA between the City and Chaffee County, approved by the City Council via Resolution 2013-82, conflicts with many of the international technical codes, adopted by the City in Chapter 18 off the Salida Municipal Code; and

WHEREAS, the City Council has been further advised that this conflict precludes the ability and possibility to practically enforce certain serious and unsafe violations of these international codes, because these codes require certain notices and personal services be made, directed and pursued by the City's "Code Official," who is the Chaffee County Building Department pursuant to IGA, but that the IGA also states that the County will not be responsible for appeals and will not be responsible for pursuing violations of the City's Building Code, thereby leaving a gap in enforcement; and

WHEREAS, the City Council recommends and supports the amendment of its current Building Inspection IGA with the County to resolve these conflicts and inconsistencies with the international technical codes in order to have clearer and practical ability for enforcement, thereby positively affecting the health, safety and welfare of its residents, customers and citizens.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. The Salida City Council hereby recommends and supports the amendment of

the 2013 Building Inspection Intergovernmental Agreement with Chaffee County, and hereby directs the City Attorney and relevant City staff to negotiate the same with the County, to resolve all inconsistencies and remedy all identified conflicts with the international technical codes and the Salida Municipal Code.

RESOLVED, APPROVED, AND ADOPTED this 16th day of February, 2021.

CITY OF SALIDA

By: _____
P.T. Wood, Mayor

[SEAL]

ATTEST: _____
City Clerk/Deputy City Clerk