



CITY COUNCIL ACTION FORM

Department City Attorney	Presented by Nina P. Williams - City Attorney	Date July 20, 2021
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ITEM Resolution 2021-24 – Adopting an Amended Building Inspection Intergovernmental Agreement (IGA) with Chaffee County

BACKGROUND

On February 16, 2021, City Council adopted Resolution 2021-03, recommending and supporting the amendment of the City’s Building Department IGA with Chaffee County. At that time, staff explained that they noticed inconsistencies and conflicts between the current Building Inspection IGA with the County and many of the international technical codes, adopted by the City in Chapter 18 off the Salida Municipal Code. These conflicts make it impossible to 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. However, this same 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. All of this has left a practical gap in enforcement, and created the inability to remedy or abate certain dangerous, unsafe, unstable and uninhabitable structures.

The City Administrator, Police Chief and City Attorney recently met with relevant Chaffee County staff and management, who have agreed and recommended the amended version of the Building Inspection IGA.

STAFF RECOMMENDATION

Staff strongly recommends approval, and believes the amended Building Inspection IGA resolves the previous conflicts and inconsistencies, and remedies the previous practical gaps regarding enforcement and appeals.



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SUGGESTED MOTION

"I move to approve Resolution 2021-24, adopting an amended building inspection intergovernmental agreement (IGA) with Chaffee County."

CITY OF SALIDA, COLORADO
RESOLUTION NO. 24
(Series of 2021)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
ADOPTING AN AMENDED BUILDING INSPECTION INTERGOVERNMENTAL
AGREEMENT (IGA) WITH CHAFFEE COUNTY

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, C.R.S. §29-1-203 allows political subdivisions within this State to contract with one another to provide certain functions and services; and

WHEREAS, Article XIV, Section 18(2)(a) and (b) of the Colorado Constitution permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, pursuant to that authority, the City and County previously executed a Building Inspection Intergovernmental Agreement (“IGA”), dated January 7, 2014, because the City was in need of a building inspector and therefore entered into a contract with the County whereby the Chaffee County Building Department would serve as the City’s building official; and

WHEREAS, on February 16, 2021, Council adopted Resolution 2021-03, recommending and supporting amendments to said IGA, to resolve certain conflicts and inconsistencies with the international technical codes, and to remedy practical gaps regarding enforcement and appeals; and

WHEREAS, the City Council therefore wishes to adopt the amended Building Inspection Intergovernmental Agreement (IGA) with Chaffee County, attached as Exhibit A, 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 approves the terms of the Intergovernmental Agreement, attached as Exhibit A, and incorporated herein, and authorizes the Mayor to execute the Intergovernmental Agreement.

RESOLVED, APPROVED, AND ADOPTED this 20th day of July, 2021.

CITY OF SALIDA

By: _____
P.T. Wood, Mayor

[SEAL]

ATTEST: _____
City Clerk/Deputy City Clerk

Exhibit A
Building Inspection Intergovernmental Agreement with Chaffee County

**BUILDING INSPECTION
INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT, made and entered into this ____th day of July, 2021 by and between the City of Salida, Colorado, a municipal corporation (the “City”), and the County of Chaffee, Colorado (the “County”).

WHEREAS, C.R.S. §29-1-203 allows political subdivisions within this State to contract with one another to provide certain functions and services; and

WHEREAS, Article XIV, Section 18(2)(a) and (b) of the Colorado Constitution permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, pursuant to that authority, the City and County previously executed a Building Inspection Intergovernmental Agreement (“IGA”), dated January 7, 2014, due to the fact that the City was in need of a building inspector and was therefore desirous of entering into a contract with the County whereby the Chaffee County Building Department would serve as the City’s building official; and

WHEREAS, the City still desires such arrangement, and the County is still willing to provide such services, however City and County staff have recognized that minor amendments to the IGA are necessary to resolve inconsistencies between the IGA and the international technical codes, and to remedy practical gaps observed related to enforcement and appeals; and

WHEREAS, on July 20, 2021, by Resolution No. 24, Series of 2021, the City Council of the City authorized the Mayor and Clerk of the City to execute this amended Agreement on behalf of the City; and

WHEREAS, on July ____, 2021, the Board of County Commissioners authorized its Chairman and Clerk to execute this amended Agreement on behalf of Chaffee County.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and intending to be legally bound, the parties agree as follows:

1. The Chaffee County Building Department shall serve as the Building Official for the City and shall perform all duties required of such official under the City’s Building Code Regulations, Chapter 18 of the Salida Municipal Code (“City’s Building Code”), and shall be charged with the responsibility of receiving applications under the City’s Building Code, reviewing construction documents and issuing permits for the erection, and alteration of buildings and structures pursuant to the City’s Building Code and performing related inspections, as well as any other obligations required of the Code Official within the City’s Building Code. The Building Official will not perform zoning services and will not serve as zoning officer for the City. The County will be responsible for appeals from decisions of the Building Official regarding the City’s Building Code, through the County Board of Building Review following the

process for County Board of Building Reviews. At the City's request, the Building Official will investigate and pursue violations of the City's Building Code and the City will be responsible for collecting and forwarding in a timely manner any alleged such violations to the Building Official for investigation. Nothing in this IGA shall be construed to require the Building Official or the County to pursue criminal or civil enforcement of the City's Building Code beyond those requirements stated herein.

2. The existing Building Codes of the City and County remain substantially similar and no changes to the City Codes are required until such time as the City and County adopt new Codes, recognizing that there are some local amendments which each jurisdiction has independently adopted.

3. The County still recognizes the importance of the Salida downtown historic district and other historic structures in the City and both parties will adopt building codes that recognize these unique structures and which allow flexibility for their reuse and preservation.

4. The City shall, within 90 days, adopt changes to their Building Code to reflect changes to the County Code as adopted by the County from time to time. The County shall work with the City during the Code adoption process to ensure adopted Codes are acceptable to both entities.

5. Chaffee County shall retain one-hundred percent (100%) of all building permit fees for inspections performed by the Chaffee County Building Department acting as the City's Building Department plus one-hundred percent (100%) of all "plan check fees" and any other fees paid directly to the Building Department (this would cover other miscellaneous fees, for example, electrical and plumbing permits) as full compensation for the services provided herein. The City acknowledges that there will be no waiver of fees for services performed by the Chaffee County Building Department with respect to City projects or City-owned buildings or property.

6. The City shall use application forms and other data gathering instruments and requests as stipulated by the Chaffee County Building Department to facilitate coordination and correlation with other instruments in use in neighboring jurisdictions. The County shall incorporate City zoning review forms into the application forms where applicable. In no way shall the incorporation of such forms imply that the County is assuming responsibility for zoning review.

7. Applications requiring zoning, development, subdivision or other non-City-Building-Code related approvals will first be submitted to the City. After review, the City shall forward applications to the Chaffee County Building Department. Chaffee County will endeavor to issue all residential permits in two to three weeks and commercial permits in three to four weeks, in accordance with Chaffee County Building Department policies.

8. The County shall supply monthly building permit status reports to the City staff, in addition to two department updates to the City Council each year, when requested.

9. This Agreement shall be effective upon execution by all the parties and shall continue until July 31, 2022, unless sooner terminated by either party, with or without cause, upon thirty (30) days prior written notice to the non-terminating party. The term shall automatically be extended for additional one-year periods unless terminated by written notice delivered thirty (30) days prior to expiration of the then current term.

10. Active permits commenced while this Agreement is in effect shall continue until completion under the review of the Chaffee County Building Department; expired permits shall be issued under the terms of the City Building Codes or under a new agreement, as appropriate.

11. The City shall provide, at its expense, adequate liability insurance naming the Chaffee County Building Department as an insured person while such building inspector is performing services for the City and the City will otherwise indemnify and hold the County harmless from any claims by third parties resulting from services performed by the Chaffee County Building Department in the performance of such duties for the City.

12. This Agreement represents the entire understanding between the parties with respect to its subject matter. This Agreement supersedes any prior agreements, oral or written, with respect to its subject matter.

13. The parties agree to comply with the requirements of C.R.S. §29-1-205.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first above written.

CITY OF SALIDA

CHAFFEE COUNTY

By: _____
Mayor

By: _____
Chairman, Board of Commissioners

ATTEST:

ATTEST:

Clerk/Deputy Clerk

Clerk/Deputy Clerk