



REQUEST FOR COUNCIL ACTION

Title: Appointment of Individuals to the Building Code Board of Appeals

Preferred Agenda: November 13, 2023

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Kelcey Young, City Manager

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy: SHMC §15.01.090, SHMC §15.03.030

Towards Council Goal: N/A

Attachments:

Purpose of this RCA:

The purpose of this request for Council action is to seek appointment of recommended individuals to the Board of Appeals created by SHMC §15.01.090 APPEALS.

Background/Context:

SHMC §15.01.090 APPEALS creates a Board of Appeals to hear and decide any appeals of any orders, decisions, or determinations made by the City's Building Official. The code includes the following provisions:

1. The Board of Appeals shall consist of the Building Official of Linn County or an adjacent county and members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of Sweet Home. An individual who engages in the business of building design or construction may be a member of the board, but may not hear an appeal of contract building official's discretionary decision concerning a project that involves a business, or competitor of a business, that: a. the individual owns or manages or for which the individual provides services as an employee, agent or contractor; or b. a family member or a member of the individual's householder owns or manages or manages or for which the family member or member of the household provides services as an employee, agent or contractor.
2. The Board of Appeals cannot include a contract building official or an owner, manager, director, officer or employee of a person that performs building inspections.
3. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.
4. The Board shall adopt rules of procedure for conducting its business, and render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

5. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

The City has a contract with NW Code Professionals to provide building inspection services, and their employee, Shawn Eaton is our primary building inspector and serves as our Building Official. Under this arrangement, state law and our own code require that we have a Board of Appeals capable of reviewing any challenges to his decisions.

As our Building Official, Mr. Eaton has also delegated certain duties to our Code Compliance Officer. Under this delegation, the Code Compliance Officer can condemn structures as a part of code compliance cleanup efforts, in accordance with SHMC §15.03.030 UNSAFE BUILDINGS. If such a condemnation order is appealed, it falls under the purview of the Board of Appeals.

Staff have been working for some time to identify suitable candidates, and finding qualified individuals for this role is not easy. The Sweet Home Municipal Code does not specify how many people should be appointed to the board. While other cities have five or more members, the City can get started with a smaller number, and then appoint more at a later time.

Staff recommend the following individuals to serve on the City's Board of Appeals:

- Rick Goff, Linn County Building Official
- Brian Vandetta, PE, Udell Engineering and Land Surveying
- Nick Tyler, Fire Chief, Sweet Home Fire & Ambulance District

The Challenge/Problem:

How does the City fill positions on the Board of Appeals?

Stakeholders:

- Sweet Home Residents and Property Developers – Residents and Property Developers deserve a well-administered building code, with clear requirements and effective methods of appeal.
- Sweet Home City Council – Council members are the voice of the citizens they serve and represent, and are responsible for oversight over appointed officials, such as the Building Official.

Issues and Financial Impacts:

No financial impact.

Elements of a Stable Solution:

An ideal outcome would be to appoint qualified individuals to the City's Board of Appeals.

Options:

1. Do Nothing – Make no appointments to the Board of Appeals. This would cause the City to be out of compliance with State law and its own code.
2. Appoint Rick Goff, Brian Vandetta, and Nick Tyler as members of the Board of Appeals – Appointing these individuals will allow the City to hear appeals of Building Official decisions.
3. Direct Staff to Research other Potential Appointees – Direct staff to research other ways to comply with State Law.

Recommendation:

Staff recommends option 2: Motion to appoint the individuals to the Board of Appeals as stated.