

# Board of Supervisors

**Patrick G. Call**  
Chairman  
District 1



**Michael J. Ortega**  
County Administrator

**Ann English**  
Vice-Chairman  
District 2

**James E. Vlahovich**  
Deputy County Administrator

**Richard R. Searle**  
Supervisor  
District 3

**Katie A. Howard**  
Clerk

**AGENDA FOR WORK SESSION**  
**Tuesday, September 27, 2011 at 1:30 p.m.**  
BOARD OF SUPERVISORS EXECUTIVE CONFERENCE ROOM  
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION**

**ROLL CALL**

*Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.*

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## **ITEMS FOR DISCUSSION**

### **Board of Supervisors**

1. Discussion and direction on the establishment of a Building Code Appeals and Advisory Board

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability.

Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

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**Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603**  
**(520) 432-9200 - Fax (520) 432-5016 - Email: [board@cochise.az.gov](mailto:board@cochise.az.gov)**  
**[www.cochise.az.gov](http://www.cochise.az.gov)**

**"PUBLIC PROGRAMS, PERSONAL SERVICE"**

DIS-450

Items For Discussion 1.  
Community Development

**Work Session Board of Supervisors**

**Date:** 09/27/2011

**Establishment of a Building Code Appeals and Advisory Board**

**Submitted By:** Gussie Motter, Board of Supervisors

**Department:** Community Development

**Division:** Building Safety

**Presentation:** PowerPoint

**NAME of PRESENTER:** Carlos De La Torre

**TITLE of PRESENTER:** Community Development Director

**ORGANIZATION NAME of PRESENTER:** n/a

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**Agenda Item Text:**

Discussion and direction on the establishment of a Building Code Appeals and Advisory Board

**Background:**

Section 112 of the County Building Code requires a jurisdiction to create a "Board of Appeals" in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the building code.

In addition, ARS 11-862 requires the formulation of a five member "Advisory Board" tasked to determine the suitability of alternative materials and construction and to permit interpretations of the provisions of such code. The statute stipulates that the advisory board shall consist of at least five but not more than seven members. In addition it specifies that the functions and duties of the "Advisory Board" may be specified by the Board. With this in mind, the Board of Supervisors may consider the Building Code Advisory and Appeals Board decisions as advisory and that their decisions may be appealed to the Board of Supervisors, therefore, the final ruling/decision would rest with the Board of Supervisors

On September 10, 2008, Staff presented to the Planning Commission a proposed Ordinance establishing a Building Safety Advisory and Appeals Board. This proposal allowed for the creation of one Board in lieu of two Boards that require its members to have similar qualifications. During the September 10th meeting, two members of the public expressed their concerns over the creation of a single Board for the following reasons:

- 1) The creation of a combined board would double as its own appeals board and that any objectivity would be lost because this combined board will not rule against itself.
- 2) The proposed composition of the board was primarily composed of planning & zoning officials and Southeastern Arizona Contractors Association members.
- 3) The creation of a combined board would not consider alternative building materials.
- 4) The creation of a combined board is considered to be a combination of powers with two very different and incompatible powers.

After much discussion and deliberation, the Commission voted unanimously (6-0) to reject Staff's proposal and recommendation.

Building Code Appeals Boards rarely meet. Jack Holden has not had the need to convene an Appeals Board in the past 20 years. The creation of a single Board to satisfy statutory requirements and another Board to meet code requirements is simply not an efficient use of community members' talent and experience.

The creation of such a single Board would bring considerable value to Staff and to the County in that they could function holistically by advising the Building Official on building code adoptions, updates and amendments being considered as well as ruling on appeals and interpretations and evaluating the suitability of alternative materials and construction.

**To BOS Staff: Document Disposition/Follow-Up:**

Community Development will follow up.

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**Attachments**

Work Session Request

## Work Session Request Form

### **Specific Topic / Wording of Agenda Item:**

Discussion and direction on the establishment of a Building Code Appeals and Advisory Board.

### **Justification / Executive Summary:**

Section 112 of the County Building Code requires a jurisdiction to create a "Board of Appeals" in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the building code.

In addition, ARS 11-862 requires the formulation of a five member "Advisory Board" tasked to determine the suitability of alternative materials and construction and to permit interpretations of the provisions of such code. The statute stipulates that the advisory board shall consist of at least five but not more than seven members. In addition it specifies that the functions and duties of the "Advisory Board" may be specified by the Board. With this in mind, the Board of Supervisors may consider the Building Code Advisory and Appeals Board decisions as advisory and that their decisions may be appealed to the Board of Supervisors, therefore, the final ruling/decision would rest with the Board of Supervisors

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**Proposed Outcome:** Board direction on taking this issue back to the Planning Commission or bringing this proposal to the Board of Supervisors for their consideration.

**Presenter:** Jack Holden, Building Official; Carlos A. De La Torre, Community Development Director; Mike Turisk, Interim Planning Director

**Required Attendees:** Michael J. Ortega, County Administrator; Jim Vlahovich, Deputy County Administrator

**Others to Notify:** Planning and Zoning Commissioners

**Date Needed:** Within the next 30 days

**Estimated Time:** 1.0 hour

**Supporting Material to Be Included:**

ARS 11-862

Section 112 IBC

Minutes from the September 8, 2008 Planning Commission meeting

**Requested by:** Carlos A. De La Torre, Community Development Director