MARIPOSA COUNTY RESOLUTION NO. 86-92

CREATING A BUILDING ADVISORY AND APPEALS COMMITTEE

WHEREAS, the Board of Supervisors of the County of Mariposa, State of California, recognize the importance of fairness in dealing between the County Building Office and persons in the construction industry and owner/builders in the County, and

WHEREAS, members of the building industry and owner/builders in the County of Mariposa need a vehicle with which to appeal adverse rulings from the Building Office, and

WHEREAS, an Advisory and Appeals Committee should consist of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of Mariposa County, and

WHEREAS, Section 204 of the Uniform Building Code provides for a Board of Appeals in the building industry, and

WHEREAS, the Building Office and the Board of Supervisors from time to time are in need of advisory opinions from members who are qualified by experience and training to pass upon matters pertaining to building construction;

NOW THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors that a "Building Advisory and Appeals Committee" be established and hereinafter be referred to as the "Mariposa County Building Advisory and Appeals Committee", (Committee).

BE IT FURTHER RESOLVED that the Committee be established under the following guidelines:

A. MEMBERSHIP: The Committee shall consist of five (5) regular voting members and one (1) non-voting, ex officio member as follows:

1. Five (5) voting members shall be appointed by a majority vote of the Board of Supervisors. Each supervisorial district shall be represented by one regular member who shall reside within his/her respective district.

2. The Chief Building Official of the County, or his designee shall serve as an non-voting, ex officio member of the Committee and shall act as secretary to the Committee.

B. QUALIFICATIONS: Each member shall be qualified by experience, profession, association with, and training to pass upon matters pertaining to building construction and shall not be
an employee of Mariposa County.

C. TERM, NOMINATION AND APPOINTMENT: The term of each voting member of the Committee shall coincide with the term of the supervisor of the district which the member represents at the time of appointment. Re-election of the supervisor of that district shall not constitute re-appointment of the Committee member. If for any reason a new supervisor is appointed or elected for a district, the term of the committee member of that district shall immediately terminate on the date the new supervisor assumes office. The supervisor of each district shall nominate one or more candidates to represent that district for appointment by the Board of Supervisors. Each member shall serve until his successor is appointed. All positions except for the ex officio position shall be solicited by advertisement pursuant to existing County policy.

D. REMOVAL FROM OFFICE OR VACANCY: A member of the Committee may be removed by a majority vote of the Board of Supervisors. A vacancy is filled in the same manner as the original appointments. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

E. MEETINGS: The regular meeting place of the Committee shall be at the Courthouse, Mariposa, California, or at such other location approved in advance by the Committee.

F. MEETINGS, DATE AND TIME: Regular meetings of the Committee shall be established by the Committee after formation. Appeals meetings shall be established by the Chairperson upon receipt of an application for an appeal hearing.

G. APPOINTMENT OF CHAIRMAN, VICE-CHAIRMAN: The Committee shall elect a Chairman and a Vice-Chairman from among its members. The Chairman and Vice-Chairman shall serve for a period of one (1) year and until the successor is appointed and qualified. The Chief Building Official, or his designee shall serve as the Secretary to the Committee.

H. CHAIRMAN: The Chairman shall preside at all meetings and shall perform all of the duties necessary or incidental to his office.

I. VICE-CHAIRMAN: The Vice-Chairman is Chairman in the absence or inability of the Chairman to act.

J. SECRETARY: The Secretary shall keep minutes of each meeting and shall record each hearing and official action.

K. STAFF SUPPORT: Clerical/secretarial support shall be provided to the Committee by the Board of Supervisors, and such support shall include the taking and transcribing of minutes,
preparation of agenda materials and forwarding to Committee members prior to meeting dates, and the preparation of such correspondence, maintenance of files and other clerical assistance as may be necessary and can be reasonably provided.

Technical support to the Committee shall be provided to the Committee by the Department of Community Services.

L. COMMITTEE DUTIES AND RESPONSIBILITIES:

1. The Committee shall be responsible for providing technical advice, as requested, to the Department of Community Services and/or the Board of Supervisors, pertaining to building construction in Mariposa County. In addition thereto, the Committee shall serve as a screening committee to make recommendations to the Board of Supervisors and/or to the Director of the Department of Community Services in the hiring of a Chief Building Inspector.

2. The Committee shall have the responsibility for hearing appeals based upon disputes between persons in the building industry including owner/builders, and the Building Office of the Department of Community Services, regarding any decision which adversely affects an appellant.

The Committee shall follow the appeals procedures adopted by the County from time to time regarding the filing of appeals and the conduct of the appeal hearings. The Committee, not the Board of Supervisors, shall serve as the hearing body at the first level of appeal.

A person dissatisfied with the decision of the Committee may appeal directly to the Board of Supervisors pursuant to County appeals procedures in place at that time.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 11th day of March, 1986 by the following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

BEVERLY BARRICK, Chairman
Board of Supervisors

ATTEST:
GERALD MC CARthy, County Clerk and Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel