



**BUILDING AND STANDARDS COMMISSION
MINUTES**

**ANNUAL RETREAT
Tuesday, October 2, 2014**

The Building and Standards Commission convened for special called meeting on Tuesday, October 2, 2014, at Austin Code Department's Training Room, 1520 Rutherford Lane, Austin, Texas.

Vice Chair David Brown called the Commission Meeting to order at 11:15 a.m.

Commission Members in Attendance:

David Brown, Vice Chair; Steven Alloway, Charles Cloutman, Tim Hill.

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Merlinda Coleman - Program Specialist; Dan Cardenas - Assistant Director, Austin Code Department; Edgar Hinojosa - Assistant Division Manager, Legal Division; Doug Jansky - Administrative Hearing Coordinator; Chris Maldonado - Code Officer.

1. CITIZEN COMMUNICATION: GENERAL

No one signed up to speak.

2. BRIEFING, DISCUSSION & POSSIBLE ACTION

- A. Boards and Commissions Transition Taskforce Update: Deena Estrada gave an overview of sections 1 and 3 of the transition task force report. August 7, 2014, City Council adopted an ordinance approving section 1; it took effect August 18. Resolution determined that size, composition, officers, committees and bylaws of each board would continue to exist until June 30, 2015, so Commission will remain at 7 members through transition. New Commission will start in July as transition period ends.

Officers elected today will serve from November 2014 through June 30, 2015, an eighth-month term. Then next term will be August 2015 through January 2016. Then terms will be February through January, starting 2016. Each current appointee's term is extended to June 30, 2015, and every appointee's term expires June 30, 2015. Quorum generally is majority of members of a board, even counting vacancies; through transition a quorum is majority of current members.

Other sections of the report are currently under City Council's purview; the recommendation from task force was that BSC be extended to 22 members so that each council member and mayor could appoint two members.

- B. Commission's Annual Internal Review: Question was asked how much control the Commission has over goals since it serves primarily as a judicial body. Suggestion made of goal to work in partnership with Austin Code to keep Austin safe and affordable. Metrics for this body are difficult to develop. Council member Spelman would ask for input and outcomes rather than just numbers as performance measures. Suggested goal to collaborate with Austin Housing to come up with funding to maintain rental properties; discussion ensued. Another wording: Austin Code would use every resource available to maintain affordability. Final decisions will wait until Carl Smart can share more information with the Commission. Perhaps add reconsideration of mission statement to the October agenda.
- C. Proposed changes to staff's presentations to the Commission: Currently board reader contains case history, TCAD information of ownership, maps, notice of violation, findings of fact, photographs, and recommended orders.

Suggestions: Is such detailed ownership information necessary for readers? Make map show major thoroughfares on map scale for better orientation. Show property value. Add tabs to reader rather than paging through. With cases that cycle through more than once, it's hard to tell which information goes with which appearance on the reader; add created-on date to findings of fact and recommended orders in file.

If there's an agreed order and there's no legal reason for review, could photos be omitted from reader? Consensus is yes, omit photos from reader.

- D. Commission's recommendation concerning a two-panel system for the Commission: Edgar Hinojosa reported time is almost up for feedback regarding the resolution for the new Commission makeup. Legal Division needs to take Commission response back to city council.

Commission members suggested that with the current load, a double panel is not necessary, and it will increase costs to the city by having to bring staff to two meetings a month. The increase in membership would be a waste of time and resources; current membership of Commission has not been pushed to limits yet. Commission members feel city council does not know how the Commission works.

Staff thinks use of administrative hearing process will reduce number of properties that need to come before Commission. Item needs to be put on October agenda to allow Commission members to officially make a recommendation for City Council.

- E. Austin Code Department's Proposed Administrative Hearing Process: Edgar Hinojosa gave overview of new program; hope to go live with program on January 21, 2015. An administrative hearing is another code enforcement tool; San Antonio uses this process; it works well for them. Administrative hearings are for civil violations; criminal go to municipal court. Four violations will fall under this program; administrative process will be faster than going before Commission or municipal court. Administrative citation can be written after inspection following warning when compliance has not occurred. Hearing occurs within 15 days. If compliance occurs by time of hearing, smaller fine may be issued.

Doug Jansky explained that the hearing officer for the administrative hearing, who is an independent contractor, is given that authority by statute. Preponderance of evidence is less than needed for Commission. The determination can be appealed to municipal court. Concern expressed by Commission is that the hearing officer be completely independent of Code Department. Only fine amount established at this point is mail-in fine in lieu of hearing; that will be \$300. Administrative hearings will be for International Property Maintenance Code matters. The ordinance is still being developed.

- F. Election of Commission Officers: Commissioner Cloutman made nomination of Vice Chair Brown as Chair and Commissioner Hill as Vice Chair to serve as officers of Commission from November 2014 to June 30, 2015. Discussion followed. Consensus after discussion was nomination of Vice Chair Brown as Chair and Commissioner Alloway as Vice Chair. Vote will be taken in October.

ADJOURNMENT

With motion made by Commissioner Cloutman; seconded by Commissioner Hill, and no dissent, the Commission meeting was adjourned by the Vice Chair at 1:50 p.m.