



## **BUILDING AND STANDARDS COMMISSION MINUTES**

ANNUAL RETREAT  
Date: July 18, 2012

The Building and Standards Commission ("BSC") convened for a special called meeting on Thursday, July 18, 2012 at City Hall, Board and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas

### **Commission Members in Attendance:**

Dr. Ethelynn Beebe, Chair; David Brown, Vice-Chair; Tim Hill, Stacy Kaplowitz, Charles Cloutman, Steven Alloway.

### **Staff in Attendance:**

Carl Smart, Code Compliance Director; Daniel Cardenas, Assistant Director; Terri Roberts, Division Manager; Trish Link, Senior Assistant City Attorney; Kathleen Buchanan, Assistant City Attorney; Matthew Christianson, Division Manager; Ron Potts, Division Manager; Jonathan Josephson, Assistant Division Manager; and others who spoke off microphone.

### **Facilitator:**

Steve Ramirez, Legal Operations Assistant Manager, Code Compliance

## **CALL TO ORDER**

Chair Ethelynn Beebe called the Commission Meeting to order at 12:44 p.m.

### **1. CITIZEN COMMUNICATION: GENERAL**

No citizens signed up to speak.

## **WELCOME AND STAFF BRIEFINGS**

Steve Ramirez introduced Director Carl Smart to make remarks about retreat. Mr. Smart welcomed the Commissioners and other attendees to the Annual Retreat and spoke briefly about the tie between the Code Department and the BSC and restructuring of the Department that's been done.

Mr. Smart spoke about the goal for the retreat, which is the sharing of information and have discussion between the BSC and the Code Department. Code will be willing to receive recommendations from the BSC on going forward. Mr. Smart pointed out that the trend is fewer demolitions and more repairs, considerably due to *Dallas v. Stewart*. BSC is being considered to hear appeals on short-term rentals, in addition to hotels, motels, and B&Bs, for which BSC currently hears appeals. He predicts that, partly due to the publicity from the Wood Ridge Apartments, that there will be more apartment appeals. Another trend he expects is for BSC to see more nonresidential cases.

Steve Ramirez, Facilitator, gave a quick summary of the agenda, which items were drawn from the survey completed by the BSC members.

## **2. NEW BUSINESS**

### **a. How Cases Wind up at the BSC: The Life of a Structure Maintenance Case**

Terri Roberts, Division Manager, addressed the Commission regarding the process cases follow in coming to the BSC. 2011 saw 2728 structure maintenance cases. Cases also come in as a result of fires or collapsing balconies. Investigators work their cases from AMANDA, the centralized database. Ms. Roberts demonstrated the tools that the investigators use. She showed examples of case types that fall under the IPMC and discussed case management and interdepartmental cooperation.

Matthew Christianson, Division Manager, addressed the Commission regarding the Community Outreach Program, which bridges enforcement and providing assistance to property owners with difficulty in coming into compliance; the program maintains an extensive resource list.

Steve Ramirez discussed the process by which it's determined that cases need BSC action. Then Code staff answered questions from Commissioners. Director Carl Smart explained the BSC's status as a quasi-judicial body, in which the standard of proof is "preponderance of evidence" versus "beyond a shadow of a doubt." There was very brief discussion regarding possible effects of adding jurisdiction of STRs to the BSC.

- b. Texas Local Government Code (State Law) Applicable Chapters 54 and 215: Basis for the Commission's Authority**  
Kathleen Buchanan, Assistant City Attorney made a presentation to the Commission regarding the law under which property violations are cited and the variety of time constraints under the law; BSC is a sovereign board and has declaratory authority; it also has subpoena power. Orders issued by the BSC are enforceable. Questions and answers followed, particularly dealing with orders to vacate.

- c. Review of BSC Bylaws and Rules**  
Steve Ramirez gave a brief overview of the bylaws, which are available on the City of Austin website. Sonia explained that the bylaws state that BSC will have no committees. She explained the process by which this might be changed. Working groups can be established and would not have to comply with Open Meetings Act. Kathleen Buchanan addressed questions regarding number of BSC members and having alternates. Mr. Ramirez reminded BSC members to pay attention to bylaws regarding schedule of when various things occur.

Mr. Ramirez talked about work to compare bylaws and rules and perhaps remove duplicate text; rules need to be reflective of practices in effect now. Ms. Buchanan stated that the BSC can amend their rules as long as the change does not conflict with state law. Mr. Ramirez addressed page 7 of the rules that has particular language that needs to be cleaned up in relation to IPMC language.

- d. Closer Look at Ft. Worth and Other Texas Municipalities' BSC Rules and Procedures**  
Steve Ramirez reported that staff went through a benchmarking process regarding Fort Worth and other cities, and did not get the result they expected. The other cities, San Antonio, Fort Worth, El Paso, and Houston, operate very similarly to the BSC. Dallas no longer has a building and standards commission. Some of the cities had more than one hearing panel and alternate so that hearings occur every two weeks. San Antonio appeared to use BSC as a pattern for setting up their commission in recent years. Mr. Ramirez called to BSC's attention the Fort Worth rules regarding reconsideration; discussion ensued.

[AUDIO ENDED BEFORE CONCLUSION OF MEETING.]