



County of Lassen
Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

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December 27, 2017

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Board of Supervisors
Agenda Date: January 16, 2018

FROM: Maurice L. Anderson, Director

*Y M
FOR*

SUBJECT: The proposed resolution establishes the stipend amount for the board of appeals pursuant to Chapter 12.22 of the Lassen County Code

ACTION REQUESTED:

1. Receive report; and
2. Introduce the resolution and consider adoption.

SUMMARY

The purpose of this Board meeting is to allow the Board to consider the attached resolution, which establishes the stipend amount for the board of appeals pursuant to Chapter 12.22 of the Lassen County Code. Specifically, the resolution sets the stipend for regular members of the board of appeals at a rate of 50 dollars for each meeting plus the standard rate, while the stipend set for the chair of the board of appeals is 75 dollars for each meeting plus the standard rate. The standard mileage rate is set annually by the Internal Revenue Service.

The Board adopted Ordinance #2017-007 on August 8, 2017, to modify the composition of the board of appeals. The purpose of the board of appeals is to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes.

MLA:smr

Enclosures: Proposed Resolution
Lassen County Code Chapter 12.22

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS TO ESTABLISH
THE STIPEND AMOUNT FOR THE BOARD OF APPEALS PURSUANT TO CHAPTER
12.22 OF THE LASSEN COUNTY CODE

WHEREAS, the Board of Supervisors of Lassen County, after a meeting conducted July 25, 2017, introduced an ordinance to establish a board of appeals to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes; and

WHEREAS, the Board of Supervisors of Lassen County adopted Ordinance Number 2017-007 to this effect on August 8, 2017; and

WHEREAS, according to Lassen County Code Section 12.22.010, each board member of this board of appeals shall be paid a stipend set by the board of supervisors; and

WHEREAS, Lassen County Personnel Rules and Regulations Section 1212 states that employees will be reimbursed for their county business mileage driven at the rate currently approved by the Internal Revenue Service (IRS), which is called the “standard mileage rate”; and

WHEREAS, although the members of the board of appeals are not Lassen County employees, the Board of Supervisors desires that they be reimbursed for their county business mileage driven at the standard mileage rate; and

WHEREAS, the Environmental Review Officer has determined that the establishment of a stipend for the board of appeals is not a “project” as defined in Section 15378 of the 2017 California Environmental Quality Act (CEQA) Guidelines. Section 15060(c)(3) of the 2017 CEQA Guidelines states that only “projects” as defined in Section 15378 of the 2017 CEQA Guidelines are subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors finds as follows:
 - a. Section 12.22.010 of the Lassen County Code establishes a board of appeals that meets on an as-needed basis. Said section requires that such members of the board of appeals be paid a stipend as set by the Board of Supervisors.
 - b. Regular members of the board of appeals shall be paid at a rate of 50 dollars for each meeting of the board of appeals plus the standard mileage rate. The chair of the board of appeals shall be paid at a rate of 75 dollars for each

RESOLUTION NO. _____

meeting of the board of appeals plus the standard mileage rate.

3. The Board of Supervisors hereby concurs with the Environmental Review Officer that the establishment of stipends for members of the board of appeals is not a "project" as defined in Section 15378 of the 2017 California Environmental Quality Act (CEQA) Guidelines. Pursuant to Section 15060(c)(3) of the 2017 CEQA Guidelines, only "projects" as defined in Section 15378 of the 2017 CEQA Guidelines are subject to CEQA.
4. The Board of Supervisors hereby establishes the above stipends for the board of appeals.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 16th day of January 2018, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest: JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____th day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

Lassen County Code							
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Title 12 BUILDINGS AND CONSTRUCTION							
Article I. Building Code							

Chapter 12.22 BOARD OF APPEALS

12.22.010 Establishment.

A board of appeals is hereby established pursuant to Section 113.3 and Section 1.8.8 of the California Building Code, with additions and modifications as set forth in this chapter. The board shall be appointed by the board of supervisors and meet on an as-needed basis, to serve for the duration of the appeal under consideration. Each board member shall be paid a stipend set by the board of supervisors. (Ord. 2017-007 § 2).

12.22.020 Board composition.

The board of appeals shall consist of three members who shall be knowledgeable in the applicable building codes, regulations and ordinances, such as a civil engineer, general contractor, plumbing contractor, electrical contractor, disabled person and a lay person, as determined by the board of supervisors. Appeal board members shall not be employees of Lassen County.

The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. (Ord. 2017-007 § 2).

12.22.030 Duties.

The duties of the board of appeals shall be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes. (Ord. 2017-007 § 2).

12.22.040 Procedure for appeal.

Any person wishing to appeal an order, decision or determination made by the building official may file with the secretary of the board of appeals within ten days of such order, decision or determination, a written appeal specifically setting forth the grounds for appeal. The secretary of the board of appeals shall set a hearing date and convene the board of appeals within thirty days of receiving an appeal request. The secretary of the board of appeals shall give notice to the appellant at least ten days prior to the hearing. Said board shall render its decision and a copy of the decision shall be mailed to the appellant within thirty days after the hearing is closed. The board of appeal decision is final. (Ord. 2017-007 § 2).

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