



Construction Board of Appeals

Agenda Report

Item 4d

For Agenda of: 4/25/2024
Item Number: 4d

FROM: Michael Loew, Deputy Director/Chief Building Official
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SUBJECT: BYLAW REVISION TO ADJUST RESIDENCY REQUIREMENT FOR THE
CONSTRUCTION BOARD OF APPEALS

RECOMMENDATION

Consider amending the Construction Board of Appeals Bylaws to broaden the qualifications for the two disabled member positions, and to exempt those positions from the current residency requirement

Policy Context

Section 3, subsection B., paragraph 1 (Bylaws), of the Advisory Body Handbook states the following:

Bylaws: Each advisory body has approved bylaws that set forth procedures, purpose and purview, specific functions, meetings, officers, budget, etc. (Charter, Article XII, Section 1204). By May 1st of each odd-numbered year, the bylaws of each advisory body shall be reviewed by that body. Any proposed changes shall be submitted to the Council through the City Clerk for approval. If no changes are proposed, a report of the review shall be submitted.

City charter section 1201: "All registered voters within the City, except part or full-time officials and management employees of the City, shall be eligible for appointment, and shall be selected and appointed by any method deemed appropriate by the Council.

Participation on citizen committees, commissions, boards and authorities by non-registered voters or non-city residents may be permissible depending upon the nature and purpose of the advisory body, as determined by the City Council."

DISCUSSION

The Construction Board of Appeals (CBOA) has had a longstanding vacant position. This position is required to be filled by a member of the community who is physically disabled. Staff is recommending that the CBOA consider supporting an amendment to the current language as follows:

Current Membership and Terms	Proposed Membership and Terms
<p>The Construction Board of Appeals (CBOA) consists of seven members. Members must be residents and registered voters of the City pursuant to the City of San Luis Obispo City Council Policies & Procedures Manual. Five of the seven members shall be qualified by experience and training to pass on matters pertaining to building construction and building service equipment, hazards of fire, explosions, hazardous conditions or fire protection and who are not employees of the City. Two members of the Board shall be physically disabled persons, as defined in the adopted California Building Code. Board members may serve simultaneously on other non-technical City advisory bodies pursuant to the City of San Luis Obispo City Council Policies & Procedures Manual.</p> <p>Each term of office will be for four years. There is no limitation to the number of consecutive terms of appointment.</p>	<p>The Construction Board of Appeals (CBOA) consists of seven members. Five of the seven members shall be qualified by experience and training to pass on matter pertaining to building construction and building service equipment, hazards of fire, explosions, hazardous conditions or Fire protection and who are not employees of the City. Two members of the Board shall be physically disabled community representatives* and shall be exempt from residency requirements.</p> <p>Each term of office will be for four years. There is no limitation to the number of consecutive terms of appointment.</p> <p>* Physically Disabled Community Representative</p> <p>Preference will be given to individuals who are registered City of San Luis Obispo voters and who identify as an individual with a physical disability or are a member of the physically disabled community. However, if recruitment for this position does not result in sufficient qualified registered City voters, membership may be considered for:</p> <ul style="list-style-type: none"> • A physically disabled community member who lives outside the City limits, but within the County of San Luis Obispo. • A community member who lives outside the City limits, but within the County of San Luis Obispo that has a close connection with the physically disabled community, such as an individual who works in a professional or advocacy capacity serving the physically disabled community, has a physically disabled household or family member/loved one, serves as a caregiver, or similar connection.

BACKGROUND

The Humans Relations Commission and the Mass Transportation Committee have recently made exceptions to the residency requirements for their members that must be uniquely qualified. Additionally, the Mass Transportation Committee also has a requirement for a physically disabled person. This new language for the Physically Disabled Community Representative is consistent with the Mass Transportation Committee's membership and terms.