



BOARD OF SUPERVISORS

COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 13-144

RESOLUTION REPEALING RESOLUTIONS NO. 64-3 AND 83-97, WHICH ESTABLISHED THE LOCAL APPEALS BOARD, TO CREATE A RESOLUTION WHICH COMBINES THE LOCAL APPEALS BOARD AND HOUSING APPEALS BOARD AS ONE SINGLE BOARD

WHEREAS, on January 21st, 1964 the Butte County Board of Supervisors adopted Resolution No. 64-3 establishing a "Local Appeals Board", which is authorized to hear appeals regarding building requirements being enforced by the County of Butte, as provided under California Health and Safety Code § 17920.5; and

WHEREAS, said resolution stated that the Local Appeals Board shall consist of seven members who are appointed by the Board of Supervisors for a term of two years; and

WHEREAS, on June 7th, 1983 the Butte County Board of Supervisors adopted by Resolution No. 83-97 an amendment to Resolution No. 64-3 to change the membership of the Local Appeals Board to allow for two alternates who shall sit on the Local Appeals Board whenever any regular member of the Local Appeals Board is temporarily unable to attend meetings; and

WHEREAS, the California Building Code, Section 1.8.8.1, California Residential Code, Section 1.8.7, and State Housing Law, Health and Safety Code Sections 17920.5 and 17920.6 require two appeals boards: a "Local Appeals Board" to hear appeals regarding the building requirements of the County and a "Housing Appeals Board" to hear appeals regarding the requirements of the County relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving; and

WHEREAS, the Board of Supervisors intends the "Local Appeals Board" to function as both the "Local Appeals Board" and the "Housing Appeals Board" combined as one single board known as the "Local Appeals Board" as identified within California Building Code, Section 1.8.8.1, California Residential Code, Section 1.8.7, and State Housing Law, California Health and Safety Code Sections 17920.5 and 17920.6.

NOW, THEREFORE, BE IT RESOLVED that both Resolutions No. 64-3 and 83-97 are hereby repealed.

BE IT FURTHER RESOLVED that the Butte County Board of Supervisors establishes a Local Appeals Board and adopts the following standards and procedures for its composition and operation:

1. In accordance with California Health and Safety Code Sections 17920.5 and 17920.6, there is hereby established in the County of Butte a "Local Appeals Board" which shall act as both the "Local Appeals Board" and the "Housing Appeals Board" and which is authorized to hear appeals regarding the building requirements of the County and those building requirements relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving being enforced by the County of Butte.

2. The Local Appeals Board shall be comprised of five members who are to be appointed by the Board of Supervisors for a term of four years. Each four year term shall expire on June 30th. Any vacancy on the Local Appeals Board occurring during any term may be filled by appointment by the Board of Supervisors for the remaining unexpired term following the procedures set forth in the Maddy Act. Any member may be

removed by vote of the Board of Supervisors. Members shall not be employees of Butte County, shall be residents of Butte County during their appointed term, and shall consist of individuals who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Building Official shall determine whether individuals are qualified to serve on the Local Appeals Board and shall submit the names of qualified individuals to the Board of Supervisors for appointment. In addition, the Board of Supervisors shall appoint two alternate members either of which may be called by the secretary to the Local Appeals Board to hear appeals during the absence or disqualification of a member. Alternate members must possess the same qualifications required for membership on the Local Appeals Board and shall be appointed in the same manner as members of the Local Appeals Board.

3. The Local Appeals Board shall hear appeals brought by any person adversely affected by the application of any California Building Standards Code, or Local Building Ordinance, rule or regulation being enforced by the County of Butte, under any facts and circumstances presented to the Local Appeals Board by such person alleging that the application or enforcement of any such rule or regulation by the County of Butte under such facts and circumstances is an erroneous or unlawful application or enforcement of such rule or regulation by the County of Butte. The Local Appeals Board shall have no authority relative to interpretation of the administrative provisions of the California Building Standards Code nor shall the Local Appeals Board be empowered to waive requirements of the California Building Standards Code.

Three members of the Local Appeals Board shall constitute a quorum, and a minimum of three affirmative votes shall be required for making orders or decisions, promulgating rules necessary for the conduct of its powers and duties, or transacting other official business. The Local Appeals Board shall not meet regularly, but shall only convene as necessary to hear appeals. The secretary to the Local Appeals Board shall schedule meetings as necessary and shall post an agenda as required by State law. Meetings shall be open to the public. The Local Appeals Board, shall organize itself, shall adopt reasonable rules and regulations for conducting its business and hearings, and shall render its decisions in writing to the Appellant with a duplicate copy to the Building Official. The decision of the Local Appeals Board is final except for such action as may be taken by a court as permitted or required by law.

All records of the Local Appeals Board shall be open to inspection by the public during regular County office hours. The Building Official or his or her appointee shall act as secretary to the Local Appeals Board. Records of the Local Appeals Board shall be kept and filed in the office of the Building Official.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 22nd day of October, 2013 by the following vote:

AYES: Supervisors Wahl, Kirk, Lambert, Teeter and Chair Connelly
NOES: None
ABSENT: None
NOT VOTING: None



BILL CONNELLY, Chair
Butte County Board of Supervisors

ATTEST:
Paul Hahn, Chief Administrative Officer and
Clerk of the Board of Supervisors

By: 
