

# Agenda Report

**TO:** CITY COUNCIL **DATE:** August 14, 2000

**FROM:** CYNTHIA J. KURTZ, CITY MANAGER

**SUBJECT:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EMPLOY UP TO THREE QUALIFIED INDIVIDUALS TO ASSIST THE MAYOR AND CITY COUNCIL WHEN ACTING AS THE BOARD OF APPEALS

**RECOMMENDATION:**

It is recommended that the City Council adopt a resolution authorizing the City Manager to employ up to three qualified individuals to assist the City Council when acting as the Board of Appeals.

**BACKGROUND:**

The decision of the Building Official, that the structure located at 811 Las Palmas Road was built within construction tolerances, has been appealed by Mr. George Regas.

In accordance with the California Building Code and the Pasadena Municipal Code, decisions of the City's Building Official are appealable to a Board of Appeals. The City by ordinance (PMC Section 14.04.040) attached hereto, has designated the Mayor and City Council to sit at such a board. Recognizing that such appeals are generally of a technical nature, the ordinance provides that the City Council may employ "qualified individuals" to assist the Board "in its investigation and in making findings and decisions". The City Council would authorize **securing the services** of such qualified individuals by way of an enabling resolution. Those individuals would not be City employees, and would serve as independent hearing officers to consider the evidence and make recommendations to the City Council.

These hearing officers would conduct an investigation and hearing wherein the appellant, interested parties and the City's Building Official would present their positions. These hearing officers would then provide a recommendation to the City Council sitting as the Board which the Board could adopt, reject, and/or modify.

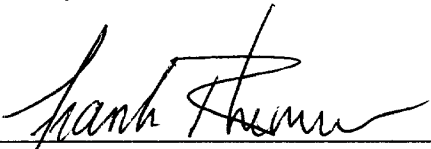
**FISCAL IMPACT:**

Funds are available in the adopted Fiscal Year 2001, Planning and Permitting Department budget.

Respectfully submitted,

  
Cynthia J. Kurtz, City Manager

Prepared by:

  
Frank L. Rhemrev  
Assistant City Attorney

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EMPLOY UP TO THREE QUALIFIED INDIVIDUALS TO  
ASSIST THE MAYOR AND CITY COUNCIL WHEN ACTING  
AS THE BOARD OF APPEALS

WHEREAS, in accordance with the California Building Code and the Pasadena Municipal Code, decisions of the City's Building Official are appealed to a Board of Appeals; and

WHEREAS, Pasadena Municipal Code Section 14.04.040 states in pertinent part that this Board of Appeals be composed of the Mayor and the City Council; and

WHEREAS, Pasadena Municipal Code Section 14.04.040 states in pertinent part that the City Council may prescribe by resolution, to employ at the cost and expense of the City, qualified individuals to assist the Board of Appeals in its investigations and in making its findings and decisions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

1. The City Manager is authorized to secure the services of up to three qualified individuals to serve as Hearing Officers and to assist the City Council in its investigations and in making its findings and decisions whenever it sits as the Board of Appeals.

2. Said Hearing Officers shall conduct necessary investigations and public meetings to allow them to make informed recommendations to the Mayor and City Council sitting as the Board of Appeal.

Adopted at the regular meeting of the City Council on the 14<sup>th</sup> day of August, 2000, by the following vote:

AYES:

NOES:

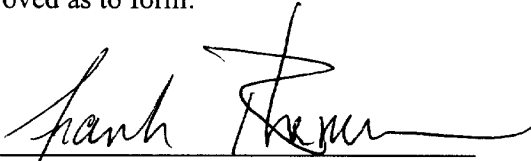
ABSENT:

ABSTAIN:

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JANE L. RODRIGUEZ, CMC  
City Clerk

Approved as to form:

A handwritten signature in black ink, appearing to read "Frank Rhemrev", written over a horizontal line.

Frank L. Rhemrev  
Assistant City Attorney