

ORDINANCE NO. 2605

ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER
2.27 TO THE CHULA VISTA MUNICIPAL CODE ESTABLISHING
AN ACCESS APPEALS BOARD

The City Council of the City of Chula Vista does ordain as follows:

SECTION 1. That the Chula Vista Municipal Code is hereby amended by adding a new Chapter 2.27 to read as follows:

Chapter 2.27

ACCESS APPEALS BOARD

Sections:

2.27.010	Creation.
2.27.020	Definition.
2.27.030	Purpose and Intent.
2.27.040	Functions and Duties.
2.27.050	Membership.
2.27.060	Term of Office.
2.27.070	Operation of Board.

2.27.010 Creation.

There is hereby created an Access Appeals Board. (Ord. 2605 §1 (part), 1994).

2.27.020 Definition.

The following terms shall be interpreted and construed as set forth herein:

- A. "Disabled" shall be as defined in the 1990 Americans with Disabilities Act.
- B. "Building Official" shall be the Director of Building and Housing.

(Ord. 2605 §1 (part), 1994).

2.27.030 Purpose and Intent.

It is the purpose and intent of the City Council in establishing the Access Appeals Board to create a body to conduct hearings on written appeals and may approve or disapprove interpretations and enforcement actions taken by the Building Department of the City as necessitated by the language in the California Code of Regulations, Health and Safety Code, Section 19957.5. (Ord. 2605 §1 (part), 1994).

2.27.040 Functions and Duties.

The functions and duties of the Access Appeals Board shall be as follows:

- A. To hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of disabled access issues pursuant to the California Code of Regulations, State Building Code, Title 24.
- B. To ratify the decision of the Building Official to exempt unreasonable hardship cases when equivalent facilitation cannot be provided.

(Ord. 2605 §1 (part), 1994).

2.27.050 Membership.

- A. Number of Members.

The Board shall consist of five (5) Voting Members, one (1) Staff Ex-officio Member, and such other General Ex-officio Members as the City Council shall, from time-to-time appoint.

- B. Designation of Members.

- 1. Voting Members.

The five (5) Voting Member shall be appointed by the City Council from the qualified electors of the City in accordance with the provision of Section 600, et seq. of the Charter, who shall be residents of the City and who shall, throughout their term, maintain their residency and elector status. Furthermore, the membership must also meet the criteria as set forth in the Health and Safety Code, Section 19957.5, as follows: two members shall be physically handicapped persons, two members shall be persons experienced in construction and one member shall be a public member.

- 2. Staff Ex-officio Member.

The one (1) Staff Ex-officio Member shall be the City Manager or his designated representative, who shall not be required to be a qualified elector of the City, and who shall have no vote ("Staff Ex-officio Member").

- 3. General Ex-officio Member.

The City Council, or its designee, may appoint such additional Ex-officio Members of the Board as they deem appropriate, who shall not be required to be qualified elector(s) of the City, but any such appointed Ex-officio Members shall have no vote ("General Ex-officio Member").

(Ord. 2605 §1 (part), 1994).

2.27.060 Term of Office.

A. Term of Office - All Classes of Members.

1. Except as otherwise provided in this Subsection A, the term of Office of all Members, and all classes of Members, of said Board shall be for a nominal period of four (4) years, and shall terminate on June 30th of the fourth (4th) year of their term, unless they shall otherwise sooner resign, die, become disqualified or incompetent to hold Office.

2. Terms of Existing Voting Members.

Notwithstanding Subsection A.1, the terms of existing Voting Members of the Access Appeals Board shall conclude for one (1) Voting Member on June 30, 1995, for one (1) Voting Member on June 30, 1996, for one (1) Voting Member on June 30, 1997 and for two (2) Voting Members on June 30, 1998, unless they shall otherwise sooner resign, die, become disqualified or incompetent to hold Office.

3. Staff Ex-officio Member.

The term of the Staff Ex-officio Member shall be indefinite, and he/she shall serve at the pleasure of the Council.

4. General Ex-officio Member.

The term of the General Ex-officio Members shall be for a period of four (4) years from the time of appointment.

5. Holdover Office.

Notwithstanding the end of any Member's term as herein provided, a Member, other than the Staff Ex-officio Member, shall be permitted to continue to exercise the privileges of his or her former Office until the Office to which the Member was appointed is filled by reappointment of a qualified successor.

6. Vacancies.

Notwithstanding the term of Office to which a Member is appointed, said Office shall be deemed vacant upon any of the following events ("Event of Vacancy"):

- a. The death or disability of said Member that renders said Member incapable of performing the duties of Office.
- b. The Member's conviction of a felony or crime involving moral turpitude.
- c. The Member's absence from three (3) regular, consecutive meetings of the Board, unless excused by majority vote of the Board expressed in its official minutes.
- d. The Member has submitted a resignation which resignation has been accepted by the City Council.

- e. The Membership has been terminated by three affirmative votes of the City Council.

Upon the occurrence of an Event of Vacancy as hereinabove listed, the City Council shall so declare the Office to be vacant, and shall expeditiously take such steps as necessary to fill said vacancy.

B. Number of Terms.

1. Voting Members.

- a. Two Term Limit. No Voting Member shall be appointed to more than two (2) terms except as herein provided ("Two Term Limit").
- b. Unexpired Term Exception. Notwithstanding the Two Term Limit, a person appointed to the Board as a Voting Member to fill the unexpired term of an Office of a Voting Member which has become vacant ("Unexpired Term") which has less than two (2) years remaining on said Unexpired Term, may be appointed to two (2) terms in addition to their Unexpired Term. A Voting Member who currently occupies an Office may not be reappointed to fill the Unexpired Term of another Office which has become vacant.
- c. Any Voting Member may be reappointed to serve on the Board after two (2) successive years of not serving on the Board in any Office or Membership capacity - Voting or Staff Ex-officio.

2. General Ex-officio Members.

A General Ex-officio Member may be reappointed without limitation as to number of terms.

(Ord. 2605 §1 (part), 1994).

2.27.070 Operation of Board.

A. Frequency, Time and Place of Regular Meetings.

The Board shall meet on an as-needed basis, as determined by the filing of disabled access complaints, but not more than one meeting each month. The meeting shall commence at a time designated by the Chair or at 4:00 p.m. on the Second Monday of each month, immediately prior to the Board of Appeals and Advisors meeting, or at such other day and time that it shall designate in written resolution, a copy of which shall be forwarded to the City Council and entered in the minutes of the meeting thereof, in Conference Room One of the Public Services Building at the City Hall Complex located at 276 Fourth Avenue, Chula Vista, or at such other place that it shall designate by written resolution, a copy of which shall be forwarded to the City Council and entered in the minutes of the meeting thereof, or at such place as may be posted upon the door of said Conference Room at least thirty (30) minutes in advance of the meeting.

B. Officers and Board.

The Board shall select a Chairperson and a Vice-Chairperson from among its Voting Members annually at its first meeting in July of each fiscal year. The Chairperson and Vice-Chairperson so selected shall serve for a period of one (1) year.

C. Special Meetings.

The Board may meet specially at such other time, days and places as it shall establish by majority vote, or at such time as the Chairperson thereof may call, or at such times as a majority of the members thereof may call a meeting.

D. Conduct of Meetings.

The meetings of the Board, and notice thereof, shall be governed by the same rules and regulations by which the City Council is bound in the conduct of the public meetings.

E. Quorum.

Three (3) Voting Members shall constitute a quorum for the transaction of business.

F. Resolutions.

The affirmative vote of a majority of the entire membership shall be required for the passage of any resolution of the Board.

G. Reports and Recommendation.

All reports and recommendations shall be made in writing.

H. Staff Support.

All Officers and Department Heads shall cooperate with and render reasonable assistance to the Board. The City Manager may make available staff and clerical support to the Board to fulfill its functions and duties, provided such staff and clerical support is available.

I. Rules and Regulations.

The Board may make such rules and regulations not inconsistent with the provisions of this Chapter.

J. Gifts and Grants.

The Board may, subject to the approval of the City Council, accept gifts and grants from any source to assist it in the performance of its functions.

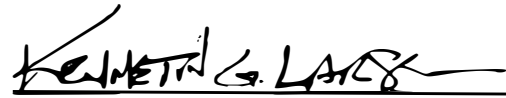
K. By-Laws.

The Board may pass such other further rules and regulations regarding the internal affairs of the Board as are not inconsistent with the terms and conditions of this Chapter.

(Ord. 2605 §1 (part), 1994).

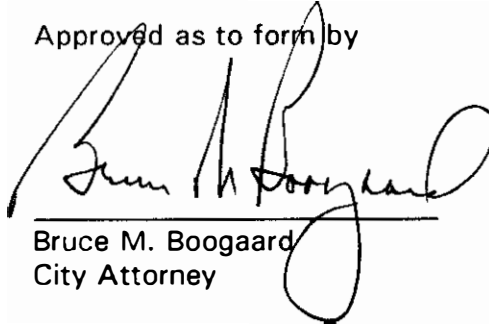
SECTION II. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



Kenneth G. Larsen, C.B.O.
Director of Building & Housing

Approved as to form by



Bruce M. Boogaard
City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day October, 1994, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Tim Nader, Mayor

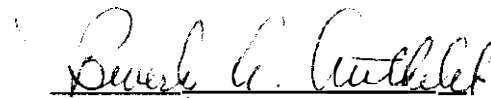
ATTEST:


Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2605 had its first reading on September 27, 1994, and its second reading and adoption at a regular meeting of said City Council on the 4th day of October, 1994.

Executed this 4th day of October, 1994.


Beverly A. Authelet, City Clerk