

CLARK COUNTY COMBINED BOARD OF BUILDING APPEALS
COMMITTEE

CCBD Presentation Room
July 28, 2022

MINUTES

MEMBERS/ALTERNATES PRESENT:

Robert Potter	Affordable Concepts, Inc.
Steve Schiller	John A. Martin & Associates of NV
Matthew Dyka	Pulte Homes
Rocco Prock	Cooper Roofing & Solar, LLC
Brad Geinzer	BRG Consulting, Ltd
Michael Gentile	PCNA Consulting Group, Inc
Marla McPherson	Clark County Department of Transportation

STAFF PRESENT:

James Gerren	Clark County Building Department
Timothy Baldwin	Clark County District Attorney
Theresa Atimalala	Clark County Building Department

APPELLANTS PRESENT:

Ignacio Soria	Honeywell Intelligrated
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GUESTS IN ATTENDANCE:

None

In Compliance with the Open Meeting Law. The meeting of the Combined Board of Building Appeals Committee was called to order at approximately 2:04 p.m. by Rocco Prock, Chair, a quorum was confirmed, and meeting opened at the Clark County Building Department located at 4701 W. Russell Road, Las Vegas, NV 89118.

- I. **Introductions.** The meeting was called to order by Chairman Rocco Prock. All members of the Board were present, Robert Potter, Steve Schiller, Matthew Dyka, Brad Geinzer, Michael Gentile, Marla McPherson, and Rocco Prock introduced themselves. The appellant Ignacio Soria attended remotely due to contracting COVID and introduced himself virtually via videoconference. Members of the public were asked to sign in.

Public Comment Period. There were no public comments.

- II. **Approval of minutes of previous meeting.** A motion was made to approve the minutes from previous meeting on January 6, 2022, by Michael Gentile, seconded by Robert Potter, and passed unanimously.
- III. **Appeal by Honeywell Intelligrated of the Clark County Code (CCC) 22.02.325 and CCC 22.02.380, as it relates to BD21-09530 Permit Renewal Fee Refund Request.** Ignacio Soria, Honeywell Intelligrated Site Project Manager, acknowledged and agreed to attend remotely due to him contracting COVID. Ignacio Soria presented his

appeal virtually explaining the effects of the COVID-19 pandemic created global supply chain disruptions, which caused various project challenges ultimately demobilizing the project for sixty days. Prior to demobilization, the project remained compliant with building inspections with third party Terracon. Honeywell's centralized permitting division in Mason, Ohio handled permitting requirements, however both the permitting division and he, lacked awareness of Clark County's process and did not realize the punitive impact the permit expiration would have. The renewal fee increased from \$55.00 to \$111,000.00 for just being a few weeks late.

James Gerren, Clark County Building Official, explained the denial letter on file was issued by former Director and Building Official, Jerry Stueve, who retired April 2022. Jim was appointed a few weeks later and defends Jerry's decision based on the adopted Administrative Code. Permit BD21-09530 was issued on July 19, 2021, no inspections were performed from date of issue to date of expiration Jan 15, 2022. A courtesy notice was issued 30 days prior to expiration date to the permit's point of contact advising the permit was within 30 days of expiring. Customer renewed the permit after the permit expired on March 1, 2022. In response to the \$55 processing fee for permit renewal, the Administrative Code requires the permit applicant to request an extension in writing prior to the expiration date of the permit, however that did not happen. The building department enforces the administrative code as its written with all customers. Jim sympathized with the appeal being made, however encourages the Board to uphold the department's decision dated March 23, 2022. Per CCC 22.02.155 paragraph E, Limitation and Scope of Authority, Jim questions the Board's authority to rule on this appeal since renewal fees are purely administrative and therefore may fall outside of the Board's authority to rule. Jim Gerren further points out under the Board's Rules and Procedures, number 13 Scope of Authority, supports the limitations the Board has on administrative provisions.

After discussion, the Board agrees they do not have authority to rule, and the appeal is invalid.

Michael Gentile makes a motion to dismiss the appeal, because it falls outside the boundaries of the Board's authority. Robert Potter seconds the motion and all committee members were in favor.

IV. Comments from Committee. Mike Gentile, PCNA Group, expressed frustration that the applicant wasted his time, when he should have been initially told that this appeal fell outside the legal bounds of what the Board could decide. Gentile requested for the DA's office to be more engaged in the process and part of committee meetings.

Matt Dyka, Pulte Homes, didn't see how customer could receive a refund for renewed permit and didn't see any proactiveness from contractor.

James Gerren, Clark County Building Official, apologizes to the Board, Jerry made the determination and gave customer direction on how to appeal with the Board, in retrospect the letter should have referenced the Board's authority limitations and advise the customer not an appealable item. Generally, the department almost always accommodates customer requests to renew permit even after the expiration date, if the request is made within a two-week period, allowing customer to pay the \$55 fee retroactively. However, in this case, the permit was expired for several months.

Robert Potter, Affordable Concepts, Inc., stated Clark County is not difficult and shows compassion to customers under certain conditions. Also said appellant was not proactive in this situation.

Mike Gentile, PCNA Group, asked how the energy conservation code change will impact the Board.

James Gerren, Clark County Building Official, explained the governor's office adopted 2021 IECC last legislature, County's goal is to adopt the code in February or March 2023. It will most likely go through SNOBO adopting code process, which involves a committee. The committee will also decide if appendices to be adopted. Six-year cycle being discussed between SNHBA and the State verses three for IECC. Nothing will change in terms of the Board, once the new code is adopted, if any technical issues are appealed, the Board will convene to review as they already do. Combined Board of Appeals Committee will also need to ratify a new secretary, as the previous Assistant Director Sam Palmer has since left the County. Jim will provide a candidate recommendation at the next meeting.

- V. Board of Appeals Rules & Procedures.** James Gerren, Clark County Building Official, explained the intent is to review the Board of Appeals Rules & Procedures line by line for Board clarification or for potential changes for consideration.

Robert Potter makes a motion to table item for the next meeting, to allow time to go over and provide recommendations. The department will share the document with the Board in a format that tracks recommended changes prior to next scheduled meeting. Michael Gentile seconds the motion and all committee members in favor.

- VI. Proposed items for future agendas.**
- Revisit and revise Board of Appeals Rules & Procedures.
 - Ratify new Board secretary.

- VII. Set next committee meeting time and location.** TBD in October 2022.

Public Comment Period. There were no public comments.

- VIII. Adjourn Meeting.** Seeing as there are no public comments, adjournment was unanimously approved at approximately 3:04 p.m.