

SUNSET AUDIT REPORT

2015-S9

Board of Building Regulation Examiners and Appeals

Community Development Department

August 14, 2015

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Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

August 14, 2015

Honorable Mayor and Members of the Assembly:

I am pleased to present **Sunset Audit Report 2015-S9, Board of Building Regulation Examiners and Appeals, Community Development Department** for your review. A brief summary of the report is presented below.

In accordance with Assembly Ordinance Number 2011-64(S-1), Section 14, we have performed a sunset audit of the Board of Building Regulation Examiners and Appeals. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Board of Building Regulation Examiners and Appeals should be reauthorized. Our audit included a review of meeting minutes, resolutions and agendas, and member authorization and participation.

Based on our review of meeting minutes, resolutions and attendance records, we recommend that the Board of Building Regulation Examiners and Appeals be reauthorized.

The Board of Building Regulation Examiners and Appeals will sunset on October 14, 2015 unless reauthorized by the Assembly.

Michael Chadwick, CICA
Acting Director, Internal Audit



Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

August 14, 2015

Sunset Audit Report 2015-S9
Board of Building Regulation Examiners and Appeals
Community Development Department

Introduction. We have performed a sunset audit of the Board of Building Regulation Examiners and Appeals (Board) as required by Assembly Ordinance Number 2011-64(S-1), Section 14 which states:

“The Municipal Clerk shall notify the Assembly and the Mayor by assembly memorandum at least 120 days prior to the sunset of any board or commission, and an ordinance for reauthorization shall be introduced through the Assembly Chair with the assembly memorandum. The assembly memorandum shall include direction to the Office of Internal Audit to audit the board or commission under Anchorage Municipal Code section 3.20.110 D.3. and 4. The Office of Internal Audit shall report its findings to the Mayor and Assembly at least 60 days, prior to sunset, prior to vote by the Assembly on reauthorization.”

Objective and Scope. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Board should be reauthorized. Our audit included a review of meeting minutes, Board resolutions and agendas, and Board member authorization and participation.

The audit was conducted in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review, and accordingly, included tests of accounting records and such other auditing procedures as we considered necessary in the circumstances. The audit was performed during the period of June through July 2015.

Overall Evaluation. Based on our review of meeting minutes, resolutions, and attendance records, we recommend that the Board of Building Regulation Examiners and Appeals be reauthorized.

SUNSET FACTORS

The following factors were used in our evaluation and are presented for information to the Mayor and Assembly:

1. Name of Board.

Board of Building Regulation Examiners and Appeals

2. Sunset Date.

October 14, 2015

3. The purpose and goal of the Board.

Anchorage Municipal Code (AMC) 23.10.103.4.1, General, states “The Building Board of Regulation Examiners and Appeals (Building Board) has the power and duty:

- 1) to hear and decide appeals from the decisions of administrative officials relating to building and fire regulations under Anchorage Municipal Code Title 23, including mechanical and plumbing regulations;*
- 2) to grant modifications from strict application of the Building Code on appeal from a decision of the building official;*
- 3) to determine the suitability of alternate materials and methods of construction when hearing and deciding an appeal;*
- 4) to conduct hearings on matters brought before it pursuant to the Abatement of Dangerous Buildings under chapter 23.70; and*

5) *in its discretion, to offer comment or recommendation concerning amendments to building code and regulations in Anchorage Municipal Code Title 23.*”

4. Have Board members been appointed?

AMC 23.10.103.4.3.A, Members, voting, and hearings before the Board of Building Regulation Examiners and Appeals (Building Board), states “The Board of Building Regulation Examiners and Appeals (hereinafter "Building Board"), as described in Section 4.40.030, and this title shall consist of no fewer than eleven (11) and up to fifteen (15) members appointed by the mayor, subject to confirmation by the Assembly, qualified by experience or training to pass on matters pertaining to building construction, as follows:

- 1. Two (2) members shall be Architects registered in the State of Alaska.*
- 2. Two (2) members shall be Professional Engineers registered as Civil Engineers in the State of Alaska.*
- 3. One (1) member shall be a Professional Engineer, registered as a Mechanical Engineer in the State of Alaska.*
- 4. One (1) member shall be a Professional Engineer, registered as an Electrical Engineer in the State of Alaska.*
- 5. Two (2) to four (4) members shall be licensed General Contractors actively engaged in general building construction and at least one of the members shall be actively engaged in home building.*
- 6. One (1) member shall be a licensed Electrical Contractor actively engaged in the electrical trade.*
- 7. One (1) member shall be a licensed Plumbing Contractor actively engaged in the plumbing trade.*
- 8. One (1) member shall be a licensed Mechanical Contractor actively engaged in the mechanical trade.*

9. *Up to two (2) additional members, qualified by experience or training and actively engaged in any of the above listed disciplines, trades, or professions.”*

Audit Finding. Currently, the Board is fully staffed.

<u>Board Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
Jonathan Steele – Architect	10-9-12	10-14-15
Scott Bohne – Architect	11-19-13	10-14-16
Troy Feller – Civil Engineer	10-9-12	10-14-15
Sterling Strait – Civil Engineer	8-26-14	10-14-17
Craig Fredeen – Mechanical Engineer	10-9-12	10-14-15
Eric Cowling – Electrical Engineer	12-17-13	10-14-16
Serena O’Donnell – General Contractor	10-9-12	10-14-15
Jon Hawkinson – General Contractor	8-26-14	10-14-17
Tyler Loken – General Contractor	11-19-13	10-14-16
John Edwards – General Contractor	8-26-14	10-14-17
Preston McKee – Electrical Contractor	5-20-14	10-14-16
Don McCann – Plumbing Contractor	12-16-14	10-14-17
David Stanfield – Mechanical Contractor	3-3-15	10-14-17
Ray Hickel – Residential Contractor	11-19-13	10-14-16
Royal Field – General Contractor	3-26-13	10-14-15

Source: Community Development Department and Assembly Memorandums

5. **Are the terms of the Board members current?**

AMC 4.05.040, Terms, states "Except as otherwise specified in this Code, the regular term of each member of a board or commission is three years commencing on October 15 of the year in which appointed and ending three years thereafter on October 14, provided however, to avoid a vacancy until new appointments can be made and confirmed, an appointed member's term is extended until a new appointment is confirmed or a maximum of 120 days which ever occurs first. The terms of initial or subsequent appointments to a board or commission shall be staggered so that, as nearly as possible, a pro rata number of its members shall be appointed each year of the established regular term of office."

Audit Finding. The terms for all Board members are current.

6. **Are positions deemed vacant after the maximum number of absences?**

AMC 4.05.060.A, Attendance requirements; vacancies, states "... a vacancy shall occur if a member during any 12-month period while in office:

1. *Is absent from three regular meetings without excuse;*
2. *Is absent from:*
 - a. *six regular meetings; or*
 - b. *eight regular meetings for members of the planning and zoning commission, platting board, or zoning board of examiners and appeals; or*
3. *Fails to attend a two-thirds majority of the regular meetings."*

Audit Finding. No members were absent from three regular meetings without an excuse within any 12 month period.

No members were absent from six regular meetings within any 12 month period.

Four members failed to attend two thirds of the regular meetings within any 12 month period from January 2014 through June 2015. These members have not been removed from the Board.

7. **Does the Board meet regularly?**

AMC 4.05.090, Meetings, states "A board or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the board or commission, but meetings need not be held if no business is pending. Boards and commissions shall advise the public of their meeting schedules, or publicly advertise their meetings where necessitated by statutory requirements. The chairman of a board or commission, or the municipal employee who is designated as an ex officio member of the board or commission pursuant to section 4.05.140, or a majority of the board or commission, may call a special meeting of the board or commission. Meetings of all boards and commissions shall be open to the public, except for an executive session, from which the public may be excluded."

Audit Finding. From January 2014 through June 2015, the Board met seven times. Meetings are publicly announced on the Board's website and on the Municipality of Anchorage's Public Notices website.

8. **Are minutes taken and published?**

AMC 4.05.130, Reports, minutes and public hearing records, states "A board or commission shall keep minutes of the board or commission proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the board or commissions for its consideration. The minutes shall be maintained in the custody of the municipal agency which supplies staff support to the board or commission and shall be a public record, open to inspection by any person."

Audit Finding. Yes, Board minutes were taken at each Board meeting. Community Development Department staff keeps a copy available for the public. In addition, Board minutes are available on the Board's website.

9. **Do meetings have action items or other business?**

AMC 23.10.103.4.1 states "The Building Board of Regulation Examiners and Appeals (Building Board) has the power and duty:

- 1) to hear and decide appeals from the decisions of administrative officials relating to building and fire regulations under Anchorage Municipal Code Title 23, including mechanical and plumbing regulations;*
- 2) to grant modifications from strict application of the Building Code on appeal from a decision of the building official;*
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- 4) to conduct hearings on matters brought before it pursuant to the Abatement of Dangerous Buildings under chapter 23.70; and*
- 5) in its discretion, to offer comment or recommendation concerning amendments to building code and regulations in Anchorage Municipal Code Title 23."*

Audit Finding. From January 2014 through June 2015, the Board issued a decision on a filed appeal. In addition, Board minutes included action items that the Board voted on such as adoption of the 2012 building codes and supporting changes to AMC.