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March 31, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Jim Stretch, City Manager

SUBJECT: Ratification of City Manager action to terminate Kemp contract for cause; authorize interim contract(s) for plan check and building inspection services and training of staff for program requirements.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Ratify the City Manager's March 20, 2014 letter and action to terminate the Building Plan Check and Building Inspection contract with Arnie Kemp, effective April 19, 2014, with no work to occur under the agreement as of March 20, 2014, and
2. Authorize the City Manager to contract with the City of Fortuna and/or County of Humboldt for interim plan check and building inspection services until a permanent arrangement is established, and
3. Authorize the training and certification of the Community Development Director as the City Building Official, including amendment to his job description and employment contract, with Council approval.

BACKGROUND AND DISCUSSION

As the City Council is aware, a new contract with Arnie Kemp for plan check and building inspection services was approved on February 18, 2014. There were several new requirements under the agreement, including the acquisition of different lines of business insurance and the maintenance and filing of his Plans Examiner and Building Inspection Certificates with the City. As of March 20, 2014, these certificates were not received and thus, after consult with legal counsel, the City Manager served Mr. Kemp with a letter of

termination, effective in 30 days. As of the date of the letter, there has been no additional work assigned or performed by Mr. Kemp.

However, under the agreement with Mr. Kemp in place prior to the February 18, 2014 Agreement, his services are required for every plan check and building permit through to final inspections since he has already been paid fees up-front for these services. If this arrangement is unworkable, the return of these fees for services will be requested for payment to another service provider.

INTERIM ARRANGEMENT

The City Manager immediately contacted the City Manager of Fortuna and the County Administrative Officer for Humboldt County to arrange for interim building program services. Fortuna responded quickly that they are willing and capable of providing the City of Rio Dell plan check and building inspection services and an agreement with them will be developed as soon as possible for City Council approval. It will most likely be a time and materials agreement.

LONG TERM PLAN FOR BUILDING SERVICES

The City's Community Development Director, Kevin Caldwell, has had an interest in the building program for some time, knows much of the various codes, conducts his own drafting and design business on the side and has training in code enforcement. He is willing to undergo the training to become certified as required. Training opportunities through California Building Officials Program series are scheduled on April 23 - 24, 2014 in Santa Maria and on July 15-17, 2014 in Modesto. The cost of the training and related costs for travel and lodging would be a valid expense of the Building Program administrative fees recently established by the City Council to be effective May 5, 2014 (33%) and July 1, 2014 (66%). In the meantime, the City will need to contract for services with the City of Fortuna.

The Community Development Director believes that he can work the Building Program into his schedule since there are only about 85 building permits issued per year and he has been able to update most of the outstanding General Plan Elements on the Planning side. If this plan does not work satisfactorily, the City can contract out the service on a long term basis.