

6C-2

Agenda Item#

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: October 18, 2011

Department: Planning, Zoning & Building

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustment and Appeals

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: Reappointment of the following individual to the Construction Board of Adjustment and Appeals (CBAA) for a term of three (3) years, beginning October 19, 2011:

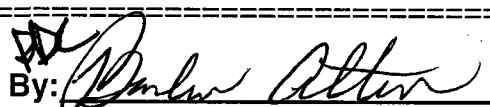
| <u>Reappoint</u> | <u>Seat</u> | <u>Requirement</u> | <u>Nominated By</u> | <u>Term</u> |
|------------------|-------------|---------------------|---------------------|-------------------|
| Bart Rasper | 1 | Plumbing Contractor | CIMC | 10/19/11-10/18/14 |

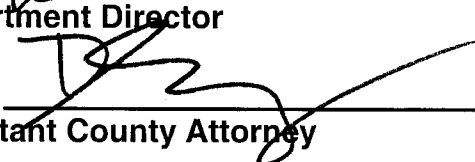
Summary: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. Bart Rasper is nominated by the Construction Industry Management Council of Palm Beach County (CIMC), with a term of office of three years. The nomination represents the Plumbing Contractor member of the Board as required by the Palm Beach County Ordinance 2009-001, as amended, Palm Beach County Amendments to the Florida Building Code, 2007 Edition. The Board is comprised of seven members consisting of one registered architect; one registered engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to the seven members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. (Building Division) Countywide (DW)

Background and Justification: continued on page 3

Attachments:

1. Board Appointment Application Form
2. Letter of Recommendation
3. Resume
4. Attendance Record
5. Section 116 of the Palm Beach County Amendments to the Florida Building Code, 2007 Edition

Recommended By:  9-23-11
Department Director Date

Legal Sufficiency:  9/27/11
Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

continued from page 1

Background and Justification: The Construction Board of Adjustment and Appeals shall have the power, as further defined in 116.3, to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

The Board shall establish rules and regulations for its own procedure not consistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

This advisory committee membership has 9 seats, 7 currently filled and 2 vacancies and a diversity count of Asian: 0 (0.00%), Black: 0 (0.00%), Hispanic: 0 (0.00%), White: 7 (100%) and unknown: 0 (0.00%). The gender ratio (male:female) is 6:1.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Further, please attach a biography or résumé to this form. ON FILE

Section I (Department): (Please Print)

Board Name: Construction Board of Adjustment and Appeals Advisory ☐ Not Advisory ☒
[☒] At Large Appointment or [☐] District Appointment /District #: _____
Term of Appointment: 3 Years. From: 10.19.11 To: 10.18.14
Seat Requirement: Plumbing Contractor Seat #: 1
[☒] *Reappointment or [☐] New Appointment
or [☐] to complete the term of _____ Due to: [☐] resignation [☐] other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: 0

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: RASPER BART A
Last First Middle
Occupation/Affiliation: MASTER PLUMBER
Owner ☒ Employee ☐ Officer ☐
Business Name: ALPHA PLUMBING SERVICES, INC.
Business Address: 4581 CHARLOTTE ST
City & State: WEST PALM BEACH, FL Zip Code: 33417
Residence Address: 4581 CHARLOTTE ST.
City & State: WEST PALM BEACH, FL Zip Code: 33417
Home Phone: (561) 686-0945 Business Phone: (561) 686-1007 Ext.
Cell Phone: (561) 373-9442 Fax: (561) 683-3075
Email Address: Bart@alphaplumbingservices.com
Mailing Address Preference: ☒ Business [☐] Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male [☐] Female
[☐] Native-American [☐] Hispanic-American [☐] Asian-American [☐] African-American ☒ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

| <u>Contract/Transaction No.</u> | <u>Department/Division</u> | <u>Description of Services</u> | <u>Term</u> |
|---------------------------------|-------------------------------|--------------------------------|--------------------------|
| <u>Ex: (R#XX-XXXX/PO XXX)</u> | <u>Parks & Recreation</u> | <u>General Maintenance</u> | <u>10/01/11-09/30/12</u> |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(Attach Additional Sheet(s), if necessary)

OR ☒ NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS
☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: [Signature] Printed Name: BART RASPER Date: 8/31/11

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Ashley Salvati, Palm Beach County Building Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

CONSTRUCTION INDUSTRY MANAGEMENT COUNCIL



Bruce G. Kaleita, General Counsel

Natasha V. Cannon, Executive Director

*** FURNISHED VIA EMAIL ***

July 29, 2011

Rebecca Caldwell, Building Official
Department of Planning Zoning & Building
2300 North Jog Road
West Palm Beach, Florida 33411

Re: Plumbing Contractor Nominee to CBAA

Dear Ms. Caldwell:

Pursuant to your request for a plumbing contractor nominee to serve on Seat 1 of the CBAA, the members of the Construction Industry Management Council voted unanimously to nominate Bart Rasper, Plumbing Contractor, to serve another term on Seat 1 of the Construction Board of Adjustment & Appeals.

If you have any further questions, you can reach me at (561) 200-4788.

Sincerely,

Natasha V. Cannon

Natasha V. Cannon
Executive Director

NVC/dn
Cc: PHCC

THE MANAGEMENT LEVEL OF ASSOCIATIONS, REPRESENTING TRADES,
SKILLS AND DESIGN PROFESSIONALS IN THE CONSTRUCTION INDUSTRY.

Aluminum Association of Florida, Palm Beach • American Institute of Architects of Palm Beach • Associated General Contractors • Associated Builders & Contractors Association • Construction Association of South Florida
Electrical Council of Florida • Gold Coast Builders Association • National Association of Women In Construction • Palm Beach Air Conditioning Contractors of America • Palm Beach County Roofing & Sheet Metal Contractors Association • Plumbing Heating Cooling Contractors • Plumbing & Air Conditioning Contractors Industry Fund • Sunshine State One Call of Florida, Inc. • Trowel Guild
Underground Contractors Association of South Florida



ALPHA PLUMBING SERVICES, INC.

4581 Charlotte Street
West Palm Beach, FL 33417
AlphaPlumbing@bellsouth.net

(561)686-1007
(561)683-3075 Fax
LIC # CFC056902

Bart A. Rasper

LIC #CFC056902

4581 Charlotte St. West Palm Beach, FL 33417

(561)686-1007 (Phone)

(561)683-3075 (Fax)

AlphaPlumbing@bellsouth.net

EXPERIENCE

- More than 30 years in residential and commercial plumbing including medical gas, backflow testing and certification, service, and repairs. Have been responsible for founding and building the corporation of Alpha Plumbing Services, Inc.

EMPLOYMENT

- Apprenticeship Training 1976-1984
 - Responsible for all phases of plumbing including 1st, 2nd, and 3rd rough in, remodel, new construction, service, and repairs.
- Farmer and Irwin 1984-01/1995
 - Involved in all aspects of plumbing including new construction, service, remodel, repairs, medical gas lines, and the testing and repairing of backflow prevention devices.
- Stokes Plumbing 01/1995-09/1995
 - Involved in all aspects of residential and commercial plumbing services.
- Power Plant- St. Lucie Plant 09/1995-02/1996
 - Responsible for repairs and maintenance of the nuclear power plant facility.
- Power Plant- Turkey Point Nuclear Plant 02/1996-05/1996
 - Responsible for repairs and maintenance of the nuclear power plant facility.
- Alpha Plumbing Services, Inc. 05/1996-Present
 - Certified in medical gas, backflow testing and repairs. Member of the PHCC, the PAC, and the Local 630 Plumbers and Pipefitters Union. Experience in Clay-Valves, pumps and drives, high pressure water jetting, controls, video and locator. Responsible for plumbing maintenance and repairs of area hospitals and condominiums.

Construction Board of Adjustment and Appeals – ATTENDANCE RECORD 2011

| MEMBER | J | F | M | A | M | J | J | A | S | O | N | D |
|-----------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Dixon, Ron | C | C | | C | C | C | C | C | C | | | |
| Drawdy, Duane | C | C | A | C | C | C | C | C | C | | | |
| Dzenutis, Peter | C | C | A | C | C | C | C | C | C | | | |
| Godfrey, Albert | C | C | A | C | C | C | C | C | C | | | |
| Rasper, Bart | C | C | | C | C | C | C | C | C | | | |
| Walker, Michael | C | C | | C | C | C | C | C | C | | | |
| Wiener, Marc | C | C | | C | C | C | C | C | C | | | |
| N/A | | | | | | | | | | | | |
| N/A | | | | | | | | | | | | |

No entry indicates member in attendance

“A” entry indicates member absent

“C” entry indicates scheduled meeting cancelled

“N/A” entry indicates no appointee or pending appointment

same manner as mortgage liens are foreclosed. Such lien shall bear interest from date of abatement of nuisance at the rate of ten (10) percent per annum and shall be enforceable if unsatisfied as other liens may be enforced by the governing agency.

115.4 Appeals.

115.4.1 An aggrieved party, including the local governing body, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 116 BUILDING BOARD OF ADJUSTMENT AND APPEALS

116.1 Appointment. There is hereby established a board to be called the Building Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The applicable governing body shall appoint the Board.

116.2 Membership and Terms

116.2.1 Membership. The Building Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, to an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

116.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

116.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

116.2.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

116.3 Powers. The Building Board of Adjustments and Appeals shall have the power, as further defined in 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

116.4 Appeals

116.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Building Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation or alteration of a building, structure, or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

116.4.2 Variances. The Building Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

116.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

116.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

116.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

116.5 Procedures of the board.

116.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

116.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

116.5.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

116.5.2 Decisions. The Building Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or

otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

**SECTION 117
RESERVED**

**SECTION 118
SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

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