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Sedgwick County

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Legislation Details (With Text)

File #: 16-727 **Version:** 1 **Name:**

Type: Consent **Status:** Consent Agenda

File created: 10/27/2016 **In control:** Board of Sedgwick County Commissioners

On agenda: 11/14/2016 **Final action:**

Title: Agreement with the City of Mulvane for the Metropolitan Area Building and Construction Division to Perform Building, Electrical, Mechanical and Plumbing Code Inspection Services.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Gov't Service Agreement For Code Inspection & Enforcement - signed by th..., 2. Mulvane Letter of Approval

Date	Ver.	Action By	Action	Result
11/14/2016	1	Board of Sedgwick County Commissioners	Approved on the Consent Agenda	

Agreement with the City of Mulvane for the Metropolitan Area Building and Construction Division to Perform Building, Electrical, Mechanical and Plumbing Code Inspection Services.

Recommended Action: Approve the agreement and authorize the Chairman to sign.

Prior to the formation of the Metropolitan Area Building and Construction Division ("MABCD"), Sedgwick County had provided building, electrical, mechanical, and plumbing code inspection services to second and third class cities within Sedgwick County so that these services could efficiently be provided to citizens within Sedgwick County whenever cities might desire to have County staff perform the services. After the MABCD was formed, Sedgwick County has continued to provide these services to second and third class cities under the consolidated Sedgwick County-City of Wichita code enforcement body.

Up until this point, the County has not entered into one of these agreements with the City of Mulvane ("City"). The City has maintained its own code inspector, but that employee is retiring in December and the City approached the County with an interest in entering into one of these standard agreements. The agreement with the City has terms and conditions that are almost identical to other agreements the County has with cities. The City's city council has already approved this agreement and approved an ordinance to adopt the Wichita-Sedgwick County Unified Building and Trade Code within its city limits.

As to division of work, City staff would be responsible for the initial permit intake and administrative functions. MABCD staff performs all of the plan review work (if necessary), as well as all of the inspections. The agreement proposes that the City and the County would equally split any permit inspection fees that are charged, whereas the County would receive all of the fees charged for plan review work.

The slight distinction between this agreement and other agreements pertains to enforcement for any code violations that may occur. In all of the other agreements that the County has reached with cities, sole discretion for prosecution remains with the County and the proper venue for an action would be the Sedgwick County Court. This agreement would have any prosecution matters filed within the City's municipal court. This is because the City of Mulvane is partially located within both Sedgwick County and Sumner County and the Sedgwick County Court would only have jurisdiction for those violations that would occur within Sedgwick County. To avoid any confusion and for the sake of consistency, the agreement has been drafted such that the City's municipal court will be the venue for prosecutions, as it is the only place that has proper jurisdiction on both sides of the Sedgwick County / Sumner County border.

Alternatives: To not approve this agreement.

Financial Considerations: not applicable

Legal Considerations: The legal authority to enter into this agreement for services is K.S.A. 12-2908.

Policy Considerations: not applicable