



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
Code Enforcement

Memo

Date: November 17, 2011
To: All Customers
From: Jim Bartl, Director of Code Enforcement
Re: Disapproved Inspections Changes to the LUESA Fee Ordinance

Earlier this year, the Building Development Commission (BDC) directed the Department to work with a customer focus group in reviewing various aspects of our business model with respect to expenses and revenues; as a result the Cost Recovery Work Group (CRWG) was formed. In its work supporting the CRWG, the Department recently identified a flaw in the web posting of the LUESA Fee Ordinance, related to ordinance changes made in 1999 and 2002. This web posted version of the ordinance, which inadvertently left out some of the critical language on the Disapproved Inspections process pertaining to small projects without a general contractor, was used by programming staff as a basis for the Pass-Rate Incentive Program. As a result, the Pass-Rate Incentive Program measures have not been fully implemented and applied to all types of projects as originally intended by the BDC and as approved by the Board of County Commissioners (BOCC) in 1999. The following summarizes the relevant points, in brief.

- In 1999 Mecklenburg County revised the Disapproved Inspections process, moving from a charge per failed inspection to a schedule relating contractor pass rates, to credits on the accounts of contractors who conserved inspection resources, or conversely, added charges to contractors whose use of inspections resources went beyond a 15% failure rate goal.
- The program and Fee Ordinance change initially stipulated that “The new re-inspection schedule will be applied to all projects, large and small. The primary responsibility, or conduit, for charges and credits will be as follows.” and went on to use a “Small Project Lead Contractor Schedule” to assign lead contractor responsibilities in various project situations where there was no lead GC, with five specific sub-bullet point examples.
- In 2002, the Code Compliance Task Force (CCTF) and BDC supported a revision to the “Percent Fee Adjustment Schedule” only, which was approved by the BOCC. However, after the BOCC approved the RFBA, it appears that we erred in revising the Fee Ordinance, going beyond replacing just the chart, and actually eliminating the key language on extending the disapproved inspections program to all projects.
- We have verified with the County Attorney that the key sections applying the Disapproved Inspections process to all projects were not mentioned in the 2002 RFBA and, having been approved by the BOCC in 1999 (even though they are not posted on the web version of the Fee Ordinance), remain in the LUESA Fee Ordinance and consequently remain in effect.

This e-mail provides notice to all customers that the Department will begin enforcing the 1999 language, extend the Disapproved Inspections process down to non-GC led small projects, effective on all projects with permits issued on or after January 2, 2012. The relevant part of the LUESA Fee Ordinance is Section II, Part D, item 14, and may be located at this web address:

<http://charmeck.org/mecklenburg/county/CodeEnforcement/Publications/Documents/fees.pdf>

In addition, we have posted the related Small Project Lead Contractor Schedule on the web at this address:

<http://charmeck.org/mecklenburg/county/CodeEnforcement/Publications/Pages/default.aspx>

The following parties are available to answer any questions you may have on the above; Kathleen Batey (704-336-3545), Gene Morton (704-336-3503), and Jim Bartl (704-336-3827).