



OFFICE OF THE CITY ATTORNEY
CODE ENFORCEMENT
Douglas T. Sloan
City Attorney

March 3, 2022

MEMORANDUM

TO: GEORGEANNE WHITE, City Manager
FROM: DOUG SLOAN, City Attorney
RE: Exigent Circumstances for Lead and Asbestos Testing

BACKGROUND

The Code Enforcement Division of the City Attorney's Office has experienced approximately one to two emergency demolitions per month over the last year of both vacant and occasionally occupied homes/buildings. This may be due to an increase in vacant and abandoned structural properties, often sitting for years without maintenance, oversight or security and are often victims of fire/arson, which not only damage the structure, but also adjacent homes and commercial buildings. In other cases, severely damaged structures pose a significant threat of collapse as a result of natural dilapidation, fire due to faulty wiring, or other elements causing the structure to be uninhabitable and dangerous.

In most cases, a fire will occur after hours, in the middle of the night, or on a weekend, and Code Enforcement is called out to the scene to assess whether the structure is at risk of collapsing. In instances where the structural integrity of the home/building is compromised, Code Enforcement staff will make the decision to summarily demolish the structure.

Demolition consists of lead, asbestos, and other hazardous material testing, which must be conducted prior to the removal of any debris.

RATIONALE

Staff desires to contract with JSA Inspections (JSA) to perform the hazardous materials testing and consulting on a temporary, emergency basis. JSA has worked with the City in the past and have proven to be reliable, dependable, and affordable.

Exigent circumstances exist because Code Enforcement does not have an existing contract to perform hazardous materials testing and consulting and at any given moment, Code Enforcement may be called upon to assess a property for demolition. This contract with JSA will allow for the testing to be conducted in emergency situations without any delay and mitigate the risk of danger/loss of life to the general public.

The City Attorney's Office is requesting you approve the finding of exigent circumstances so we may proceed with emergency demolitions as necessary; and as we work towards a long-term agreement which will require City Council approval.

APPROVAL



Georgeanne White, City Manager