

Response to Grand Jury Report

Report Title: **Planning and Building Code Enforcement Division**

Report Date: June 22, 2017

Response submitted by: Carmel J. Angelo, Chief Executive Officer

Findings

I have reviewed the report and submit my response to the Findings portion of the report as follows:

I (we) agree with the findings numbered:

I (we) disagree wholly or partially with the findings numbered: **F1-F11**

Attach a statement specifying the findings or portions of the findings that are disputed, and include an explanation of the reasons therefor.

Recommendations

I have reviewed the Report and submit my response to the recommendations portion for the report as follows:

Recommendations numbered **R1, R3, R4, R5 & R8** have been implemented.

Attached, as required, is a statement describing the implemented actions.

Recommendations numbered **N/A** have not yet been implemented, but will be implemented in the future.

Attached, as required is a time frame for implementation.

Recommendations numbered **R2, R6 and R7** require further analysis.

Attached required, is an explanation, and the scope and parameters of the analyses or studies, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

Recommendations numbered **N/A** will not be implemented because they are not warranted or are not reasonable.

Attached as required is an explanation.

I have completed the above response, and have attached, as required the following number of pages to this response form:

Number of pages attached: 6

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.mendocinocounty.org/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@mendocinocounty.org
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Carmel J. Angelo

Title: Chief Executive Officer, County of Mendocino

Signed: 

Date: 8.18.17

FINDINGS

F1. The CED Officers have considerable discretion as to whether or not fines should be asserted. California Penal Code § 829.5 states that CED officers are, "...authorized to issue citations, or file formal complaints".

The CEO disagrees partially with finding F1. Code Enforcement Officers are authorized to issue criminal citations related to code enforcement violations pursuant to California Penal Code § 829.5 and in those instances penalties are non-discretionary pursuant to California Government Code § 25132. In addition, the Board of Supervisors adopted Chapters 1.08 and 8.75 of the Mendocino County Code, which outlines enforcement provisions for Code Enforcement Officers. The CEO incorporates by reference Planning and Building Services response to F1.

F2. The CED approach to complaints is reactive and rarely considers issues outside the parameters of the complaint.

The CEO disagrees with finding F2. The Code Enforcement Division responds to complaints and regularly takes enforcement action on observed violations outside the parameters of the initial complaint. The CEO incorporates by reference Planning and Building Services response to F2.

F3. There are insufficient appropriate vehicles directly assigned to CED to allow safe and efficient performance of the assigned tasks.

The CEO disagrees with finding F3. Planning and Building Services has purchased several new vehicles in fiscal year 2016-2017 and has ordered additional vehicles for fiscal year 2017-2018. PBS currently has adequate vehicle numbers for use by the Code Enforcement Division to safely and efficiently perform assigned field work. The CEO incorporates by reference Planning and Building Services response to F3.

F4. The turnover and lack of staff to conduct CED activities within Mendocino County contributes to issues not being corrected in a timely and consistent manner.

The CEO partially agrees with F4. At the time this report was issued, the Code Enforcement Division is currently fully staffed. In April 2017, the County hired a Code Enforcement Manager to assist the County in building a strong division that is effective, efficient and consistent. Planning and Building Services and Human Resources have been proactive in recruiting and filling vacant Code Enforcement Officer positions. The CEO agrees that prior turnover has impacted the Code Enforcement Division. The CEO incorporates by reference Planning and Building Services response to F4.

F5. The shortage and turnover of CED management staff contributes to lack of clear direction for employees.

The CEO disagrees with finding F5. In April 2017, the County hired a Code Enforcement Manager and re-organized Code Enforcement as a unit under the Department of Planning and Building Services. The new model of management provides clear direction to the Code Enforcement Supervisor and five Code Enforcement Officers. The CEO incorporates by reference Planning and Building Services response to F5.

F6. The backlog number of complaints has been significantly reduced to approximately 300. The validity of this number cannot be proven due to lack of publicly available documentation.

The CEO partially disagrees with finding F6. The case management system implemented in January 2017, tracks complaints, cases and actions. Complaint and case statistics generated from the County's case management system and records management database are regularly reported to the Board of Supervisors. The CEO incorporates by reference Planning and Building Services response to F6.

F7. There are no online data regarding code enforcement complaints and the status of code enforcement activity. This lack of transparency is detrimental to the efficient function of CED. The Grand Jury finds this lack of accuracy unacceptable because it is difficult:

- to determine if a complaint has been filed on a specific property
- to know when a complaint has been corrected
- to know if there are duplicate filings of a complaint
- to have statistics to fairly assess the performance of the department
- to understand departmental operations in the interest of transparency

The CEO disagrees with F7. The case management system and records management database implemented in January 2017 provides accurate information. The lack of online data is not detrimental to the efficiency or function of the Code Enforcement Division. The County responds to records requests in compliance with California Public Records Act. Statistics and performance metrics are presented to the Board of Supervisors on a regular basis. The CEO incorporates by reference Planning and Building Services response to F7.

F8. There are no regularly scheduled meetings between the staff of CED and the rest of P&B. This impairs the efficient function of both staffs.

The CEO disagrees with F8 and incorporates by reference Planning and Building Services response to F8.

F9. There are no departmental action plans in the report given by the P&B Director to the BOS.

The CEO disagrees with F9. The Planning and Building Services Director provides monthly reports to the Board of Supervisors, including departmental action plans. In addition, the Code Enforcement Division Manager provides updates to the Board regularly.

F10. There is a new online program available to licensed contractors to obtain permits. In interviews it was not clear what additional changes are planned for online access by licensed contractors or the public.

The CEO partially agrees with F10. The County is actively working on identifying information that can be shared online and continue to expand our searchable records. The CEO incorporates by reference Planning and Building Services response to F10.

F11. The mold growth that was found is hazardous to the health of workers and citizens who frequent County facilities.

The CEO disagrees partially. There has been water damage at the main Administration Center, due to long term deferred maintenance, primarily the roof. Upon release of the Grand Jury's Report, the CEO's Risk Management Division performed a full inspection of both the Planning and Building Services offices in Fort Bragg and Ukiah, as well as interviewed employees and determined there is no evidence of mold growth that is hazardous to the health of workers and citizens who frequent County facilities. In addition, any mold growth found in County facilities is immediately referred to the Executive Office for evaluation and remediated in compliance with all State and Federal regulations.

RECOMMENDATIONS

R1. To reduce the backlog of complaints, there is a need for additional staff in CED; the BOS discuss and consider expanding CED staff. (F2, F4-F6)

This recommendation has been implemented. The Board approved three new positions for the Code Enforcement Division. All open code enforcement positions have been filled. The additional officers and fully staffed Division has been efficiently handling complaints and case resolutions. The CEO incorporates by reference Planning and Building Services response to R1.

R2. The BOS consider and discuss assigning the enterprise designation to the CED. (F2, F4)

This recommendation requires further analysis to determine if any enterprise designation is needed, appropriate and/or the best avenue for the Code Enforcement Division. Chapter 1.08, does allow for Code Enforcement to issue administration citations and collect penalties. The penalties are accounted for in the Code Enforcement budget and used for future code enforcement actions. The CEO incorporates by reference Planning and Building Services response to R2.

R3. The BOS consider assigning each CED Officer a dependable all-wheel drive vehicle. (F3)

This recommendation has been implemented. Planning and Building Services has sufficient vehicles for Code Enforcement and all vehicles used by Code Enforcement are all-wheel drive and dependable. The CEO incorporates by reference Planning and Building Services response to F3.

R4. The Director of P&B schedule at least a monthly meeting of all staff to discuss and advise on all issues concerning P&B and CED. (F8, F9)

This recommendation has been implemented. The CEO incorporates by reference Planning and Building Services response to R4.

R5. The Director of P&B provide in the monthly report to the BOS a summary of the monthly staff meeting with action items included.(F6, F7,F9, F10)

This recommendation has been implemented. The PBS Interim Director provides regular updates to the Board of Supervisor including department action plans. The CEO incorporates by reference Planning and Building Services response to R5.

R6. The Department of P&B place all building and complaint actions in an online database for public access by street address and property number (APN) leaving off the name(s) of the complainant(s). (F6, F7, F10)

This recommendation is partially implemented and partially needs more analysis. Building Permits are currently available online through the County's Trakit system for the public to review. Further analysis is necessary to determine if having an online system for looking up code enforcement complaint actions is warranted and legally allowable. The CEO incorporates by reference Planning and Building Services response to R6.

R7. The BOS direct staff to bring all County facilities into compliance with applicable State and County codes within the next fiscal year, and report the result back to the BOS. (F11)

As mentioned above in response to F11, the CEO's Risk Management Division inspected both the Fort Bragg and Ukiah Planning and Building Services facilities and was not able to identify any portion of the facilities that were out of compliance with applicable State or County codes. If the Grand Jury has actual specific information related to this matter that they would like to supply to the CEO's office regarding these allegations, the CEO will research the information immediately and provide a report to the Board of Supervisors as necessary.

R8. The BOS direct staff to develop and enact policies by the close of fiscal year 2018 to provide consistency in the assertion and the amount of fines for violations.(F1, F2)

This recommendation has been implemented. The Board of Supervisors adopted Chapter 1.08 of the Mendocino County Code.