

Grand Jury Report

RESPONSE FORM

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

Report Dated: June 22, 2017

Response Form Submitted By:

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than:
October 6, 2017

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
F10

- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
F1-F9, F11

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
R1, R4, R6, R7, R8

- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:

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- The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
R2, R5
- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:
R3

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

Number of Pages attached: 4

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/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@co.mendocino.ca.us
- 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: John McCowen
Title: Chair, Board of Supervisor

Signed: 

Date: 10/4/17

MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY REPORT TITLED:

PLANNING AND BUILDING CODE ENFORCEMENT DIVISION

The Mendocino County Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled Planning and Building Code Enforcement Division.

Pursuant to the request of the Grand Jury, the Board is responding to the following:

- 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 formula complaints".

Disagree partially. On January 10, 2017, the BOS adopted an ordinance creating a new Chapter 1.08 titled "Administrative Citations and Penalties". This chapter created standardized non-discretionary penalties and a hearing process in order to address the need to be able to effectively and timely enforce code violations while recovering county costs. In addition, Chapter 8.75 was modified to remove discretionary administrative fines. The BOS incorporates by reference Planning and Building Services response.

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

Disagree. Code Enforcement regularly evaluates possible violations outside the parameters of the initial complaint.

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

Disagree. The BOS has approved the purchase of additional vehicles for FY 2017-18 in addition to the added vehicles from 2016-17. Code Enforcement Division currently has sufficient vehicles to safely perform their duties.

- 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.

Disagree partially. Turnover has contributed to inconsistency in the department. However, as stated by Planning and Building Services in their response, CED is currently fully staffed and turnover is not expected to continue. In addition the strong Code Enforcement Manager currently in place has greatly improved efficiency and tracking of complaint thus allowing transparency and oversight.

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

Disagree. In April 2017, a Code Enforcement Division Manager was hired. This new position, along with a reorganization which made Code enforcement a Division rather than a unit, has provided clear direction for Code Enforcement staff. The BOS incorporates the CEO and Planning and Building responses.

- 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.

Disagree partially. As stated, the number of backlog of complaints has been significantly reduced. This number is now monitored closely with the CED new management system and database. The BOS receives a regular report of the number of complaints to include cleared complaints and backlog statistics at public meetings.

- 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

Disagree. The decision to not publish code enforcement complaints, status and activity online is not detrimental to the efficiency of the Division. Records are available with a public records request. The BOS receives regular statistical updates at our public meetings. Inquires made by the Board are quickly and efficiently addressed.

- 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.

Disagree. The BOS incorporates by reference Planning and Building response.

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

Disagree partially. The BOS receives monthly reports from PBS at regularly scheduled public meetings. While no formal action plan is given, there are updates regarding departmental activity and agendas.

- 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.

Agree. The new online program is implemented and PBS continues to analyze methods to increase online access but the changes have not been proposed or scheduled.

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

Disagree partially. Any mold which is found is immediately referred to the Executive Office for evaluation and remediation. The BOS incorporates the CEO response to F11.

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 BOS directed and approved the addition of 3 new positions in the Code Enforcement Division. The Division is currently fully staffed and continues to clear the backlog of complaints.

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

This recommendation requires further analysis. At this point, it seems prudent to focus the CED on removing the backlog of complaints prior to consideration of assigning an enterprise designation. Current budgeting is based on current complaint driven functions. The BOS incorporates the Planning and Building response.

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

This recommendation will not be implemented. There are sufficient all-wheel drive vehicles available for the CED Officers without each Officer needing an assigned vehicle. That is not considered the best use of resources.

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

This recommendation has been implemented. The BOS incorporates by reference Planning and Building response.

- 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 requires further analysis. Monthly reports are given to the BOS in open session, to include agendas and departmental actions, but a formal list of action items is not currently included.

- 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 has been partially implemented. The Mendocino County website has a user friendly online database of building permits issued each month. Further analysis is needed to determine if an online database of complaints and subsequent actions are legally allowed or advisable.

- 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)

This recommendation has been implemented. All mold (F11) is immediately referred to the Executive Office for evaluation and remediation in compliance with State and Federal regulations.

- 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. On January 10, 2017, the Board of Supervisors added Chapter 1.08 to the Mendocino County Code titled "Administrative Citations and Penalties."