

Are We Talking Yet?

A Report on Miscommunication between County Departments

February 8, 2011

Summary

The 2010-2011 Grand Jury decided to review the communication between the Assessor's office, the Planning and Building Services, and the Sheriff's Office over the issue of unassessed and unpermitted structures in the County.

The Grand Jury found that there are communication barriers in place through practices that have been handed down through the years. Most of these practices have not been reduced to writing; yet they seem to hold the sway of enacted laws.

There is expressed concern that, when inspecting property that is potentially involved in marijuana production, the county employees doing the inspections may be subject to violent attacks.

Methods

The Grand Jury inspected County Ordinances and State Codes. Numerous County Officials were interviewed and various meetings between County Officials were attended and observed.

Background

Mendocino County is a rural county with many areas difficult to reach by any form of transportation. This type of terrain allows structures to be built and inhabited without the required permits, inspections, or taxes, being applied and assessed.

Findings

1. The Assessor's office is responsible for assessing property in Mendocino County for real estate tax purposes.
2. The Assessor's office has eight employees working on the inspection of properties for the purpose of establishing value for assessment.
3. The caseload for the appraisers is approximately 120 cases each at any given time. A total of approximately 800 to 1000 cases are resolved each year.
4. Planning and Building Services is responsible for issuing and insuring compliance with required permits for construction of all buildings, property improvements and septic systems in the County.
5. Planning and Building Services has six employees inspecting structures and improvements to comply with permit requirements.

6. There are in excess of 1200 backlogged nuisance abatement cases in Planning and Building Services.
7. Currently the Assessor's office, Planning and Building Services and County Counsel meet on a regular basis to review *Williamson Act* contract renewals. *Williamson Act* contracts involve reductions to assessed tax due to agricultural use.
8. All of the **land** that is privately owned in Mendocino County is assessed and on the tax rolls.
9. The tax rolls are public information and available for public inspection during work hours when the Assessor's office is open.
10. There is no written procedure that provides for the notification of Planning and Building Services when a **structure** is found by the Assessor's office or Sheriff's Office that is not on the tax rolls.
11. There is no written procedure calling for the Assessor's office to notify Planning and Building Services when a new structure is **appraised**.
12. The Assessor's office does not inform Planning and Building Services when a new structure is **assessed**.
13. The Assessor's office does not inform the Sheriff's Office when a new property is appraised. The Grand Jury was informed that this is to protect the safety of the Assessor employees.
14. According to the Assessor, there are laws that prohibit directly informing other departments of County government when a new structure is appraised and added to the tax rolls.
15. According to County Counsel, Revenue and Taxation Code §408.3 states that a "property characteristics information form" is subject to disclosure. The Assessor prepares a form that matches this description. This is the information that Planning and Building Services needs. A property characteristic form includes at least the following items:
 - year of construction of improvements,
 - square footage,
 - number of bedrooms,
 - number of dwellings.
16. Planning and Building Services, the Assessor's office, and the Sheriff's Office do not meet to coordinate actions regarding newly found structures.
17. Planning and Building Services must review assessed tax rolls on a regular basis to find newly assessed structures in order to determine if any required permits were not obtained.
18. Planning and Building Services informs the Assessor's office when an issued permit is inspected and the structure is determined as completed.
19. The Sheriff's Office purchased software licenses to be able to research the Assessor's tax rolls in order to determine if a property being investigated is on the tax rolls.
20. There is no written procedure for notification of the Assessor's office when the Sheriff's Office finds a structure that is not shown on the tax rolls. All contact is

left to the discretion of the Sheriff's Deputies. The contact consists of a phone call and potentially a visit with the appraiser to the suspect property.

21. There is a publically available complaint form that can be filed with Planning and Building Services. The Sheriff's Office can use this form when an apparently unpermitted structure is found.
22. Planning and Building Services provided an amnesty program for building permits that waived the investigative penalty fee, where the owners self-reported their failure to obtain the required permits. This amnesty program expired on December 31, 2010.
23. As of January 1, 2011, new state mandated rules for buildings became effective. These rules will increase the cost of building a structure in California and will require additional inspections.
24. Planning and Building Services is not considered an enterprise department.
25. Planning and Building Services could generate enough in fees from code enforcement for that operation to become an enterprise department if staffing was increased.

Recommendations

The Grand Jury recommends that:

1. the Assessor's office notify Planning and Building Services upon the assessment of a newly appraised building. (Findings 10-12)
2. the Assessor's office, Planning and Building Services and Sheriff's Office meet on a regular basis, not less than quarterly, to discuss problems and concerns about unpermitted and unassessed properties. (Findings 10-20)
3. the Assessor's office, Planning and Building Services and Sheriff's Office coordinate and establish written procedures to easily exchange information regarding unpermitted and unassessed properties. (Findings 10-20)
4. the Assessor's office, Planning and Building Services and Sheriff's Office establish written procedures for deputies to accompany county employees on potentially dangerous inspections of property in the County. (Findings 2,5,13,16)
5. Planning and Building Services clear all backlogged nuisance abatement cases. (Finding 6)
6. the Board of Supervisors designate Planning and Building Services' code enforcement operations as an Enterprise department and increase staffing, realizing increased staffing will be offset by increased revenues from the code enforcement process. (Findings 23-25)

Discussion

There are areas ripe for improved communication between the various departments of our County government. Given the current dire straits of our County's finances, it requires the highest level of cooperation between offices. To that end, the Grand Jury is calling for notification of other departments when a department finds unassessed and/or unpermitted structures. This notification must be prompt so that all other departments that might have a concern over these properties are aware of the problem as soon as possible. This will allow the County to insure public safety and recover fees due to the County.

The current state of affairs allows unpermitted septic systems to continue to function outside of the requirements of the law, allows potentially dangerous dwellings to remain out of code and allows properties to remain unassessed for periods of time that are unreasonable.

All of these actions endanger the public safety and fiscal health of our County and should be of concern to us all.

Required Responses

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Assessor (Findings 1-3,7-19; Recommendations 1-4)

Mendocino County CEO (All Findings; All Recommendations)

Director, Mendocino Planning and Building Services (Findings 4-12,14,16-18,21-25; Recommendations 1-6)

Mendocino County Sheriff (Findings 10,13,16,19-21; Recommendations 1-4)

Mendocino County Counsel (Findings 14-15,23-25; Recommendations 5-6)