



# COMMUNITY DEVELOPMENT DEPARTMENT

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Director

BUILDING AND SAFETY - PLANNING - GIS - HOUSING - ENVIRONMENTAL HEALTH

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Honorable Judge Eric L. DuTemple,  
Superior Court of California  
County of Tuolumne  
41 West Yaney Avenue  
Sonora, CA 95370

**FILED**  
JUL 28 2010

Superior Court of California  
County of Tuolumne

BY E. Beban  
Clerk

RE: Response to Tuolumne County Grand Jury 2009-2010 Report

Honorable Judge DuTemple:

The Community Development Department (CDD) was reviewed by the Grand Jury in fiscal year 2009-2010. The Grand Jury's report on the CDD included several positive observations concerning the Department and offered the following suggestions for improved service:

### **Building and Safety Division**

The Grand Jury provided the following three findings and recommendations relative to the Building and Safety Division:

*Finding 1: A previous Grand Jury finding was that building inspectors seemed to be interpreting building codes, not just enforcing them. This still seems to be a problem area. All inspectors, not just Tuolumne County inspectors, have areas they look at harder than others. This, in and of itself, is not the problem. The problem is when the inspector asks for things not required by code. If the inspector is questioned on this, it appears future inspections become harder to pass.*

**Response:** During interviews between the Grand Jury and Chief Building Official Doug Oliver, there were no in-depth discussions regarding inappropriate interpretation of the adopted codes by the Building and Safety Staff and no evidence of retribution from Inspectors towards builders was provided. During these interviews, the Chief Building Official advised the Grand Jury committee that in order to provide consistent application of the various construction codes, his staff routinely receive training in the form of weekly training sessions, mentoring, and training seminars offered by the International Code Council and California Building Officials.

Pursuant to Section 104.1 of the 2007 California Building Code, Appendix Chapter 1, the Chief Building Official is charged with the authority to render interpretations of the code provided that those interpretations are in compliance with the intent and purpose of the code. Since field inspection often presents situations not provided for in the written code or on the approved plans, Chief Building Official Doug Oliver has delegated, to a limited degree, authority to render field interpretations as authorized in Section 103

of the same Chapter. This practice is common among Building Officials throughout the State and is used to facilitate construction, rather than hinder it. Though authority to interpret the code is appropriately delegated, it is imperative that inspectors be uniform in their interpretations. Therefore, interpretations are routinely discussed at Building and Safety Division staff meetings so all employees have a similar understanding of the codes they enforce.

I agree that there should be no retaliation for builders challenging an inspector's interpretation. The Chief Building Official and I are available to listen to complaints and concerns from members of the building industry, homeowners, and the public concerning interpretations of the construction codes or any other issue they wish to discuss with us.

*Recommendation 1: For Finding 1, inspectors must be trained in, and familiar with, all aspects of the building codes. They may have particular areas they look at harder than others. This is to be expected. They may not, and must not, require anything additional to code requirements. With this in mind, inspectors must not hold builders or home owners to a higher standard just because they, the inspector, have been questioned.*

**Response:** The Grand Jury's recommendation was implemented in 2008 by the establishment of written inspection standards, weekly training sessions, participation in education seminars regarding the adoption of the 2007 California Code of Regulations (Building Standards Code), and direct mentoring by the Chief Building Official. The Building and Safety Division also conducted six training sessions in partnership with the Tuolumne County Building Industry on the 2007 California Building Code. The Building and Safety Division will continue this training methodology subject to budget constraints. In addition, the Chief Building Official has an open-door policy to hear and respond to grievances from builders relative to code interpretations made in the field. The Grand Jury was provided with copies of the inspection standards and training material during their interviews with the Chief Building Official.

*Finding 2: Computer security is not stressed as strongly as it should be. This is not a major problem at this time as the computer system is an "intranet" system, not an "internet" system. An intranet system is one not connected to the outside world. An internet system is one such as is used by most people to look up movies, check e-mail, and do other on-line transactions.*

**Response:** I agree with this finding. It is extremely important that the electronic content of our data management system be protected. Once our permit and inspection tracking system becomes available to the public, every security measure at our disposal will be implemented to protect public records.

*Recommendation 2: If, and when, CDD allows remote access to the data base, computer security must be enhanced.*

**Response:** This recommendation has not been implemented at this time. The Community Development Department intends to fully implement all safety protocols upon making the permit and inspection database publicly accessible through the internet.

**Finding 3:** *The internal CDD Quarterly Performance Report is based only on the first review of a permit application, not subsequent review. For example, a permit application is made on January 1. Depending on the type of work, the first review must be completed no later than January 15. Any recommended changes, additions, etc., must go back to the applicant. The next review must be done within a different time period. This delay does not go into the Quarterly Report.*

**Response:** It was noted by the Grand Jury that our quarterly reporting does not track subsequent reviews. I understand the importance of tracking all reviews for quality assurance. While it is not reported publicly at this time, the Building and Safety Division does maintain a minimum time standard for subsequent reviews and it is audited weekly by the Chief Building Official.

**Recommendation 3:** *There is no recommendation for Finding 3.*

**Response:** While no recommendation has been made for Finding 3, it should be clarified that subsequent reviews on the quarterly report could easily be incorporated into the quarterly report based on current tracking methods. Plan revisions in response to a correction letter from the Building and Safety Division may cause a slight delay in construction; consequently, to avoid such delays, the Plans Examiners "red-line" comments on building plans whenever possible rather than send correction letters. However, when a list of corrections is extensive, or the corrections are of a structural nature that requires a response from a licensed engineer, the Building and Safety Division is required to send a comprehensive letter. These correction letters are written in a manner that is intended to be easily understood and implemented.

Please do not hesitate to contact Chief Building Official Doug Oliver or me if you have any questions concerning this response to the Grand Jury's comments relative to the Community Development Department.

Respectfully,



Bev Shane, AICP  
Community Development Director

BJS:do

cc: Tuolumne County Board of Supervisors  
Craig Pedro, County Administrator