



Office of the County Counsel
"Providing Quality Legal Services to the County of Tuolumne"

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Superior Court of California
County of Tuolumne

BY [Signature]
Clerk

September 3, 2013

Honorable Judge Donald Segerstrom
Tuolumne County Superior Court
60 North Washington Street
Sonora, CA 95370

RE: Response to Grand Jury Report (2012-2013)

Dear Judge Segerstrom:

I have reviewed the 2012-2013 Tuolumne County Grand Jury Report regarding the Tuolumne County Building Code Compliance program. I wish to thank the members of the jury for their work. I know they spent a great deal of time on the Report. The Report contained the below findings and recommendations and below are my responses.

Findings:

F-1: The new Code Compliance violation process has been streamlined and is significantly more favorable to the citizens of Tuolumne County from a financial stand point.

Response: I agree with this finding.

F-2: Document Retention for Code Compliance complaints can be either 3 or 5 years, depending on the status of the complaint.

Response: I agree with the finding that the document retention depends on the status of the complaint, but note the time frame varies depending on the length of time it takes to resolve an open Code Compliance case. A Code Compliance case is resolved pursuant to the Tuolumne Code Ordinance Code. Once the case is resolved the County's Retention Schedule mandates the documents be maintained at Community Resources Agency (CRA) for five years. After that time the documents are sent to Archives and maintained there for one additional year, for a total document retention of six years.

F-3: Elimination of Time tracking by County staff during the Opportunity to Correct stage could free up time better used in field work or other processing needs. Overall Time tracking is a good tool and has the potential for better time management spent on inspecting properties for violations.

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Response: I agree with this finding.

F-4: The new code compliance procedures resulted in a simpler matrix for the establishment of fines and fees for Code Compliance violations.

Response: I agree with this finding.

F-5: Issuance of an OTC carries no late fees or penalties, only necessary permit fees are collected.

Response: I agree with this finding.

F-6: Safeguards from retaliation for employees are not in an easily accessible or in an organized format.

Response: I agree with this finding.

Recommendations:

R-1: No Recommendation

Response: None required.

R-2: As mass electronic storage costs decrease, the Grand Jury recommends that document retention should be increased to a 5 year minimum standard for all documents.

Response: The recommendation requires further analysis. The Office of the County Counsel will be updating the County's document retention schedule and seeking approval of the Board of Supervisors . This will likely occur by the end of the year. The retention schedule will be based on the requirements of law and when there is no specific law governing the retention schedule it will be based on what is practical for each department and County resources.

R-3: Time Tracking of Code Compliance issues during the OTC phase should be eliminated.

Response: The recommendation will not be implemented, because it is not warranted. Pursuant to the Tuolumne County Ordinance Code, abatement costs are defined as costs incurred by the County, including but not limited to, "administrative costs, costs for investigating the violation, for monitoring and enforcing any abatement, for any physical abatement action by the County, and any ordered attorneys' fees.

Abatement costs are deemed incurred for time expended by County employees and use of County facilities or equipment as well as any expenses of contractors hired by the County." In order to accurately calculate the costs of any abatement, the County must track the time employees spend on each case.

R-4: No Recommendation

Response: None required.

R-5: A late penalty fee should be instituted at the OTC phase.

Response: The recommendation requires further analysis, but may be implemented in the near future. My office is working with CRA staff to review and prepare recommended modifications to the ordinance. This recommendation will be considered. A presentation to the Board of Supervisors regarding the new code compliance system is anticipated to occur before the end of this year.

R-6: Safeguards for employees, in conflicting situations arising from Code Compliance violations, should be clearly codified and posted for all employees and staff.

Response: The recommendation requires further analysis, and will be incorporated into the review by my office and CRA regarding the Code Compliance Ordinance. This review is in process and a final recommendation will be made to the Board of Supervisors regarding suggested modifications to the Ordinance. This is anticipated to occur by the end of the year.

Should you have any questions, please feel free to contact me.

Regards,



SARAH CARRILLO
County Counsel