



COMMUNITY RESOURCES AGENCY

BEV SHANE, AICP
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

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Superior Court of California
County of Tuolumne

BY

Clerk

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

RE: Response to Tuolumne County Grand Jury 2012-2013 Report

Honorable Judge Segerstrom:

The Grand Jury reviewed the County's code compliance program in fiscal year 2012-2013. The Grand Jury provided the following findings and recommendations relative to the code compliance program, responses to which have been provided by Doug Oliver, Chief Building Official, and Bev Shane, Community Resources Agency Director:

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: We 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: We agree with the finding that the length of time for document retention depends on the status of the complaint but clarification is warranted concerning the actual number of years. An active code compliance case remains open until the case has been resolved by abatement of the violation or other means as provided by the Tuolumne County Ordinance Code. Once the violation has been resolved, the case is closed. The length of time to close a case varies greatly and it may take many years to close some cases. All documents related to an active code compliance case are retained. Once a case has been closed, in accordance with the County's current Records Retention Schedule, the case and all documents related to it are retained in the Community Resources Agency's office for five years. The documents are then sent to the County's Archive where they are retained for one year for a total retention time of six years after a case has been closed. Cases that are in an electronic format are retained in perpetuity.

F-3 Elimination of Time Tracking by County staff during the Opportunity to Correct (OTC) 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.

Response: We 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: We agree with this finding.

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

Response: We agree with this finding.

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

Response: We agree with this finding. There are many safeguards in place in various laws, policies, and procedures but they are not currently available to employees in a centralized location.

Recommendations

- R-1** No Recommendation.

Response: No response 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 Community Resources Agency (CRA), like other County departments, is increasing its use of computer technology with a goal of having a "paperless" operation in the next few years unless paper documents are otherwise required by law. Beginning in January, 2013, the Building and Safety Division of the CRA has implemented a "paperless" case management system for code compliance cases under its jurisdiction. Through this system, all correspondence, notices, photographs and any other information related to construction and zoning violations are retained electronically. This system is currently being expanded to incorporate all development-oriented violations processed by the CRA. Under the "paperless" process, all data is retained in perpetuity in an electronic database. Existing "paper" code compliance cases will be scanned into this system as time allows and retained in perpetuity.

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

Response: Chapter 1.10 of the Tuolumne County Ordinance Code provides for the County to be reimbursed by property owners for staff time related to their code compliance cases. As such, documentation of the time spent on each case must be established and maintained, including the time related to the Opportunity to Correct (OTC) phase. This is done through the Community Resources Agency's computerized time tracking system. The workload of the Building and Safety Division, which processes most of the code compliance cases, is currently organized so that the Clerical Staff rather than the Building Inspectors enter the time expended during OTC processing into the time tracking system. This allows the Building Inspectors to maximize the time they have for field work.

- R-4** No Recommendation.

Response: No response required.

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

Response: The Community Resources Agency is currently working with County Counsel to review the code compliance regulations and prepare recommendations for modifications to be considered by the Board of Supervisors in late 2013. Recommendation R-5 is being considered as part of that process.

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: There are many safeguards against retaliation in place for employees in various laws, policies, and procedures. For example, in the Building and Safety Division, any employee serving as a code compliance officer who feels uncomfortable with a case, for any reason, may refer the case to the Chief Building Official who will reassign the case to another employee or process the case himself. This policy also extends to cases involving County Officials or fellow employees. The Code Compliance Manual, which includes procedures and policies, will be reviewed and updated within the next six (6) months to clarify and consolidate the safeguards for employees serving as code compliance officers.

Please do not hesitate to contact me if you have any questions concerning this response to the Grand Jury's findings or recommendations relative to the County's code compliance program.

Respectfully,



Bev Shane, AICP
Community Resources Director

BJS:cm

cc: Tuolumne County Board of Supervisors
Craig Pedro, County Administrator
Sarah Carrillo, County Counsel