

Tuolumne County
Administration Center
2 South Green Street
Sonora, CA 95370



Alicia L. Jamar
Chief Deputy Clerk
of the Board
Of Supervisors

Telephone: (209) 533-5521
Facsimile (209) 533-6549
www.tuolumnecounty.ca.gov

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October 1, 2013

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

FILED

OCT 07 2013

Superior Court of California
County of Tuolumne
By: E. B. B. B. Clerk

Re: Response to Grand Jury Report – Building Code Compliance

Dear Judge Segerstrom:

The following is offered in response to the 2012-13 Grand Jury Report as it pertains to the County's Building Code Compliance.

Grand Jury Findings

F1 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: Agree.

F2 Document Retention for Code Compliance complaints can be either 3 or 5 years, depending on the status of the complaint.

Response: Agree.

F3 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.

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

enforcement 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.

- F4** The new code compliance procedures resulted in a simpler matrix for the establishment of fines and fees for Code Compliance violations.

Response: Agree.

- F5** Issuance of an OTC carries no late fees or penalties, only necessary permit fees are collected.

Response: Agree.

- F6** Safeguards from retaliation for employees are not in an easily accessible or an organized format.

Response: Agree.

Grand Jury Recommendations

- R1** No Recommendations.

Response: None required.

- R2** 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 but should be resolved with adoption of the updated County's document retention schedule before the end of the 2013 calendar year. The recommendation will be considered both in light of relevant laws and the cost of retaining records in an electronic form.

- R3** Time Tracking of Code Compliance issues during the OTC phase should be eliminated.

Response: This recommendation will not be implemented because it is not warranted or reasonable as the current code provides for the County to be reimbursed by property owners for staff time related to their code compliance cases. In order to accurately calculate the costs of any abatement, the County must track all time employees spend on each case. Tracking and calculating all

related cost serves as a tangible and fair method to incentivize offenders to follow the law rather than break the law.

R4 No Recommendation.

Response: None required.

R5 A late penalty fee should be instituted at the OTC phase.

Response: This recommendation requires further analysis in conjunction with an ongoing review of the County's code compliance regulations. This review with related recommended changes should be completed and presented to the Board for consideration before the end of calendar 2013.

R6 Safeguards for employees, in conflicting situations arising from Code Compliance violations, should be clearly codified and posted for all employees and staff.

Response: This recommendation requires further analysis in conjunction with an ongoing review of the County's code compliance regulations. This review with related recommended changes should be completed and presented to the Board for consideration before the end of calendar 2013. Having said this, it should be noted that there are many safeguards against retaliation that are currently in place in various laws and CRA policies and procedures. It is a fair observation that these safeguards are not currently available to employees in a centralized location.

Thank you for the opportunity to respond to the above findings and recommendations. Please feel free to contact the County Administrator Craig Pedro should you have any questions regarding same.

Sincerely,



RANDY HANVELT, Chair
Board of Supervisor



CRAIG L. PEDRO
County Administrator

Cc: Beverly Shane, CRA Director

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

By: 
ALICIA L. JAMAR
Clerk of the Board