



**Board of Supervisors  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** July 23, 2019 - REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Carrie Monteiro PHONE: 559.636.5000

**SUBJECT:** Grand Jury Response – Tulare County RMA-Code Enforcement

**REQUEST(S):**

That the Board of Supervisors:

1. Consider, modify as needed, and approve the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled: "Tulare County RMA-Code Enforcement;" and
2. Authorize the Chairman to sign the response letter.

**SUMMARY:**

The 2018/2019 Tulare County Grand Jury Final Report requests a response from the Board of Supervisors regarding the report entitled: "Tulare County RMA-Code Enforcement" (See attached copy of the report.)

The Board is required to provide comments to the Presiding Judge of the Superior Court within 90 days after the report is filed with the Presiding Judge.

The draft response to the report is attached for consideration. It is requested the Board modify the draft, as needed, approve the response to the Grand Jury, and authorize the Chairman to sign the Response Letter.

**FISCAL IMPACT/FINANCING:**

There is no Fiscal Impact associated with the response to this request.

**SUBJECT:** Grand Jury Response – Tulare County RMA-Code Enforcement

**DATE:** July 23, 2019

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Strategic Plan includes the Organizational Performance Initiative, which provides for the objective evaluation and measurement of County program performance. The Board's approval of the Grand Jury Final Report responses assist in the fulfillment of this initiative by ensuring accurate information is available to all residents.

**ADMINISTRATIVE SIGN-OFF:**



Carrie Monteiro  
Board Representative

cc: County Administrative Office

Attachment(s) Grand Jury Response – Tulare County RMA-Code Enforcement  
Draft Response Letter

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GRAND JURY  
RESPONSE – TULARE COUNTY RMA -  
CODE ENFORCEMENT

)  
) Resolution No. \_\_\_\_\_  
) Agreement No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Considered, modified as needed, and approved the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled: "Tulare County RMA-Code Enforcement;" and
  2. Authorized the Chairman to sign the response letter.
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**TULARE COUNTY GRAND JURY**

5963 S Mooney Boulevard Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: [grnd\\_jury@co.tulare.ca.us](mailto:grnd_jury@co.tulare.ca.us)WEB: <http://tularecounty.ca.gov/grandjury/>ATTENTION: Chairman Kuyler CrockerAGENCY: Tulare County Board of SupervisorsADDRESS: 2800 W. Burrel Avenue, Visalia, CA 93291

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2018-2019 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- ☒ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ☒ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

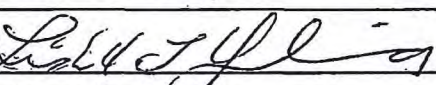
Please be advised, this portion of the final report was approved as final by the Presiding Judge on 05/01/19.

**YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:**

The Honorable Judge David Mathias  
County Civic Center, Room 303  
221 S Mooney Blvd  
Visalia, CA 93291

**Tulare County Grand Jury**  
5963 S Mooney Blvd  
Visalia, CA 93277

**Tulare County Board of Supervisors**  
2800 W. Burrel Ave  
Visalia, CA 93291  
(For County Agencies Only)

Received by: Date: 5/16/19Report Name: Tulare County RMA-Code EnforcementResponse Due by: August 5, 2019Delivered by: Date and Time: 5/6/2019 11:41 AMRelease Date: May 9, 2019

Ron White, Foreman 2018/2019 Tulare County Grand Jury

**PREPARE A SEPARATE RESPONSE FOR EACH REPORT**

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.



**§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency**

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



# **TULARE COUNTY RESOURCE MANAGEMENT AGENCY - CODE ENFORCEMENT**

## **BACKGROUND:**

“The Mission of the Resource Management Agency (RMA) is to support Tulare County’s quality of life and economic prosperity by effectively managing the natural and man-made resources and committing to timely, quality and cost effective services.”<sup>1</sup>

The purpose of the RMA is to provide efficient public service in the areas of planning, engineering, development, construction and building through its three branches: a) Economic Development and Planning; b) Public Works; and c) Administration.

**The Economic Development and Planning Branch** includes: the Economic Development Office, Permit Center, Environmental Planning, Grants, Planning and Project Processing, and Building and Housing Divisions.

**The Public Works Branch** includes: the Road Maintenance Management, Design, Construction Management Development Services, Special Programs Groups, and the County Surveyor.

**The Administration Branch** includes the Clerical, Fiscal, and Human Resources Divisions.

The purpose of this report is to review the Code Enforcement of the Economic Development and Planning Branch. The Building and Housing Division is responsible for the issuance and inspection of building permits throughout the County. Additionally, the division provides administration of the code enforcement programs (including marijuana, building and zoning, employee housing, abandoned vehicle, and substandard building abatement).

<sup>1</sup>Tulare County Resource Management Agency, Handout November 2018

## **REASON FOR INVESTIGATION:**

The Tulare County Civil Grand Jury decided to investigate Code Enforcement including timely collection of fees and fines.

## **METHOD OF INVESTIGATION:**

1. Interviewed agency personnel
2. Reviewed relevant documents and data

## FACTS:

1. There are four RMA code enforcement programs:
  - a. Substandard housing
  - b. Abandoned vehicles
  - c. Marijuana
  - d. Employee housing
2. There are only six full time certified code inspectors. Due to the workload, RMA has requested from the Board of Supervisors (BOS) additional certified code inspectors. The certification testing prerequisite for a code enforcement inspector requires a minimum of five years on the job experience.
3. 1,762 RMA code enforcement complaints were received in 2018. Of these, 183 complaints have fees due. Complaint types with fees due include 22 *general code violations*, six *substandard housing*, and 155 *medical marijuana*.
4. A lien is put on the property of the violator who does not pay the fines and fees assessed. Currently all funds from tax liens and payments go to the county general fund.
5. When a lien is established, the County does not collect until the property is sold, transferred, or refinanced.
6. There were \$287,000 of uncollected fines by code enforcement in 2018.
7. Issuing inspection abatement warrants signed by a Superior Court judge is one method used in the collection process.
8. RMA is proposing a change to the collection process whereby fines would be added to the tax rolls. A fee study is in progress regarding the addition of fines to the tax rolls. RMA proposes to establish an enterprise fund, so the funds would be designated for RMA.

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## FINDINGS:

- F1. There are not enough certified code inspectors to perform code enforcement duties.
- F2. RMA is actively and effectively studying ways in which to improve its collection process and maximize collection rates.



## **RECOMMENDATIONS:**

- R1. The Board of Supervisors should consider proposals made by RMA to improve the effectiveness of its code enforcement activities, including alternative means of collecting assessed fines and designating collected fines for use by RMA.
- R2. Board of Supervisors should consider RMA's request for additional Certified Code Inspectors.

## **REQUIRED RESPONSE:**

- 1. Tulare County Board of Supervisors Findings F1, F2 Recommendations R1, R2

## **INVITED RESPONSE:**

- 2. Resource Management Agency Findings F1

## **Disclaimer**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



July 23, 2019

The Honorable David Mathias  
Tulare County Superior Court  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, CA 93291

**RE: Grand Jury Report: "Tulare County RMA-Code Enforcement"**

Dear Judge Mathias:

On behalf of the Board of Supervisors, the following are the Board's responses to the findings and recommendations included in the 2018/2019 Tulare County Grand Jury Report titled "Tulare County RMA-Code Enforcement." The Board of Supervisors has consulted with the Tulare County Resource Management Agency to assist with these responses.

**Findings and Board Responses**

**Finding 1**

*There are not enough certified code inspectors to perform code enforcement duties.*

**Response:** The Board agrees with this finding. The Tulare County Board of Supervisors approved the addition of two (2) Building & Zoning Inspector I-III positions for the 2019-2020 fiscal year that will be assisting with Code Compliance daily duties, Resolution 2019-0417 & 4018.

**Finding 2**

*RMA is actively and effectively studying ways in which to improve its collection process and maximize collection rates.*

**Response:** The Board agrees with this finding.

## **Recommendations and Board Responses**

### **Recommendation 1**

*The Board of Supervisors should consider proposals made by RMA to improve the effectiveness of its code enforcement activities, including alternative means of collecting assessed fines and designating collected fines for use by RMA.*

**Response:** The recommendation has been implemented. The use of a special assessment to be placed on the property tax roll will allow for collection of administrative costs and fees within five (5) years. The Board approved a revised nuisance abatement ordinance on June 4, 2019 by Resolution 2019-0467, which codifies the County's right to place unpaid administrative costs and fees onto the property tax rolls.

### **Recommendation 2**

*Board of Supervisors should consider RMA's request for additional Certified Code Inspectors.*

**Response:** The recommendation has been implemented. As stated above, the Tulare County Board of Supervisors approved the addition of two (2) Building & Zoning Inspector I-III positions for the 2019-2020 fiscal year that will be assisting with Code Compliance daily duties, Resolution 2019-0417 & 4018.

Sincerely,

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Kuyler Crocker, Chairman  
Tulare County Board of Supervisors

cc: Tulare County Grand Jury  
Tulare County Resource Management Agency



DRAFT