

# **CODE COMPLIANCE DEPARTMENT**

## **REASON FOR INVESTIGATION**

The Grand Jury received a citizen's complaint that the Code Compliance Department is not adequately enforcing existing building codes and regulations.

## **BACKGROUND**

The Code Compliance Department is under the umbrella of the Nevada County Community Development Agency (CDA). The CDA consists of a Director, Code Compliance Department, Environmental Health Department, Planning Department, and Building Department.

In September 1999, the Board of Supervisors (BOS) adopted "Recommendations of the Code Enforcement Ad Hoc Committee" as an interim guide for code compliance. These guidelines were an attempt to achieve voluntary compliance through a more customer friendly and lenient approach.

In March 2002, the CDA Code Compliance Department issued a procedure manual to use as (1) a training manual for staff and (2) a reference source for daily operations for staff and the public.

This Grand Jury report is primarily directed to non-permitted building code compliance issues and its ramifications.

## **PROCEDURE FOLLOWED**

The Grand Jury interviewed a Board Supervisor, the County Executive Officer of Nevada County, Assessor, CDA Director, the Code Compliance Department Director, and the Building Department Director. The Grand Jury reviewed many of the Code Compliance Department's open violation files.

## **FINDINGS**

1. Quoting from the Code Compliance Manual:
  - a. Potential violations can come to the attention of Code Compliance through the public, community groups, other agencies, and Board of Supervisor referrals. Code Compliance works with communities and neighborhoods to resolve key enforcement issues; it is Code Compliance's sole authority to decide complaints or violations to pursue based on the priority system and staff resources.

- b. Code Compliance is Strictly a complaint driven process.
  - c. Compliance is the goal; enforcement is to be used after all other options have failed.
- 2. The manual has five priorities. Building without a permit, as well as health and safety complaints are listed as top priorities.
- 3. There are as many as 11 separate letters/notices, including a Stop Work Order, which can be sent to correct a violation of non-permitted building.
- 4. Included in the notices is a "Warning Notice of Code Violation" which states that infractions are punishable by a mandatory fine of \$100 for the first offense, \$200 for the second, and \$500 for the third and subsequent violations within a 12-month period, plus penalty assessments.
- 5. The Code Compliance Department has a backlog of more than 1000-code violation cases.
- 6. Citizen complaints have increased dramatically over the past year from approximately 50 per month to 100-200 per month.
- 7. Other counties use strict code enforcement, along with code compliance, to fully comply with existing codes.
- 8. Schools and fire districts receive separate funds when building permits are issued. As an example, an average 2000-square-foot home generates \$4280 in school mitigation fees.
- 9. The Grand Jury was unable to get clear information on approximately how much money is lost to schools and fire districts due to non-permitted building.
- 10. If a property owner builds without a permit, and no complaint is filed, property taxes on improvements may not be collected.
- 11. The Assessor's Office generally does not communicate with the CDA regarding non-permitted building improvement assessments.
- 12. The CDA has budgeted the purchase of a "Land Use Module" software package, which could facilitate communications between departments.
- 13. At present, there are 2.5 full-time employees in the Code Compliance Department.
- 14. A fee based cost recovery plan recently implemented by the Code Compliance Department would at least partially generate revenues to offset the cost of hiring two additional full-time employees. See the county government website <http://docs.co.nevada.ca.us/dscgi/ds.py/View/Collection-3217> for additional information.

## CONCLUSIONS

1. An unknown, but potentially substantial, amount of money is not being collected for property taxes, mitigation fees, special district fees, and Building Department fees.
2. In the past, code enforcement for non-permitted building in our county has been ineffective and practically non-existent.
3. The "Strictly by complaint" directive has failed to resolve the large problem of non-compliance to code. Surveillance by CDA employees has been discouraged, if not eliminated altogether.
4. Use of law enforcement, as a backup, in the more difficult cases has been all but eliminated.
5. The recently developed Code Compliance Manual is a much-improved policy document. However, it does not spell out in detail that all regular county fees need to be paid by violators of non-permitted building, in addition to all mandatory fines and penalty assessments.
6. The process to correct a violation of non-permitted building appears to be too bureaucratic and cumbersome. The paperwork going back and forth is immense, eleven different letters and notices should not be needed in order to establish violations and to get them settled.
7. The mandatory fines for egregious violations (\$100, \$200, and \$500) of non-permitted building appear to be too nominal to be punitive. Fines should be a hefty percentage of all regular county fees, especially for second and subsequent violations. This should deter property owners from building without permits.
8. Stronger penalties and fines would increase monies for additional code compliance officers.
9. More personnel and surveillance are needed to curtail and eventually eliminate the rampant increase in non-permitted building and other code violations.
10. The recently implemented cost recovery plan could provide more personnel for code compliance and enforcement.
11. The Grand Jury commends the Code Compliance Director for having developed a reasonable and thoughtful manual which, after being strengthened by the points outlined by the Grand Jury, will go a long way in improving the substandard handling of code violators in this county.

## **RECOMMENDATIONS**

1. The Board of Supervisors should approve the "Manual of the Code Compliance Department", dated March 2002, after it has been revised as follows:
  - a. Streamline the process to correct a violation of any non-permitted building.
  - b. Require Nevada County CDA employees to file official complaints if they observe code violations.
  - c. Make use of legal enforcement in more difficult cases.
  - d. Spell out in detail all fees, fines, and penalties that need to be paid by violators of non-permitted building as well as all other code violations.
  - e. Increase amounts for mandatory fines and penalties to punitive levels.
  - f. Include the cost recovery plan in the manual.
2. Code Compliance Department staffing should be increased to reduce the backlog of open cases.
3. The Assessor's Office should improve communication with the CDA to facilitate gathering information regarding non-permitted structures.
4. If the county cannot get resolution on a violation resulting in a substantial amount of money, a lien should be placed on the property in question to cloud title.

## **REQUIRED RESPONSES**

The Board of Supervisors due by September 18, 2002

The County Assessor due by August 19, 2002

The Director of the Community Development Agency due by August 19, 2002

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO  
2001-2002 CIVIL GRAND JURY INTERIM REPORT NO. 10**

**DATED JUNE 14, 2002**

**RE: CODE COMPLIANCE DEPARTMENT**

*Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Assessor and the Community Development Agency Director, or testimony from the board chairman and county staff members.*

**I. GRAND JURY INVESTIGATION:**

**Code Compliance Department.**

**A. RESPONSE TO FINDINGS & RECOMMENDATIONS:**

The Community Development Agency (CDA) Code Compliance Manual referenced by the Grand Jury in this report is in draft format and has not been approved by the Board of Supervisors. The manual does not necessarily reflect Board policy guidance regarding Code Compliance program policy and procedures.

In September 1999, the "Code Enforcement AD Hoc Committee", a committee formed by the Board and including two Supervisors, County staff, and members of the community, presented recommendations to the Board regarding Code Compliance policy and procedures. The Board directed these recommendations be used as interim policy direction for the Code Compliance Department and directed the department to return to the Board with a policy and procedures manual that further developed the committee recommendations and established comprehensive and coordinated timelines and procedures for implementation, administration, and enforcement of the Code Compliance program.

The policy manual has been in development since then and the Board is waiting for a comprehensive presentation by CDA and the Code Compliance Department regarding the contents of the manual and additional recommendations regarding the Code Compliance program and policies. This presentation is scheduled to be made to the Board by September 30, 2002. Until then, the Board considers this document as a draft of a manual without legal status that may be changed before it is approved by the Board or before it is considered by the Board for approval. The Board believes it is inappropriate to respond to Findings and Recommendations based on Grand Jury review of a draft document that has not yet been presented to the Board for consideration. Consequently, responses based on Grand Jury review of the manual are premature and will reflect this conclusion.

**Findings:**

**1. Quoting from the Code Compliance Manual.**

- a. **Potential violations can come to the attention of Code Compliance through the public, community groups, other agencies, and Board of Supervisor referrals. Code Compliance works with communities and neighborhoods to resolve key enforcement issues; it is Code Compliance's sole authority to decide complaints or violations to pursue based on the priority system and staff resources.**
- b. **Code Compliance is strictly a complaint driven process.**
- c. **Compliance is the goal; enforcement is to be used after all other options have failed.**

This Finding concerns a draft Code Compliance Manual existing only in draft format that has not yet been presented to the Board for consideration or approval. As a draft document it may be, and the Board understands that it is being, modified prior to such presentation. Board consideration of the revised draft will, and must, be done at open agendized sessions of the Board at which staff will make presentations and provide information and the public will be free to comment. Thereafter the Board will discuss the proposed document and may direct further changes. It would therefore be premature for the Board in this response to agree or disagree with Findings or to commit itself to implement, study or not implement matters not yet even presented to them or considered.

2. **The manual has five priorities. Building without a permit, as well as health and safety complaints are listed as top priorities.**

This Finding concerns a draft Code Compliance Manual existing only in draft format that has not yet been presented to the Board for consideration or approval. As a draft document it may be, and the Board understands that it is being, modified prior to such presentation. Board consideration of the revised draft will, and must, be done at open agendized sessions of the Board at which staff will make presentations and provide information and the public will be free to comment. Thereafter the Board will discuss the proposed document and may direct further changes. It would therefore be premature for the Board in this response to agree or disagree with Findings or to commit itself to implement, study or not implement matters not yet even presented to them or considered.

3. **There are as many as 11 separate letters/notices, including a Stop Work Order, which can be sent to correct a violation of non-permitted building.**

This Finding concerns a draft Code Compliance Manual existing only in draft format that has not yet been presented to the Board for consideration or approval. As a draft document it may be, and the Board understands that it is being, modified prior to such presentation. Board consideration of the revised draft will, and must, be done at open agendized sessions of the Board at which staff will make presentations and provide information and the public will be free to comment. Thereafter the Board will discuss the proposed document and may direct further changes. It would therefore be premature for the Board in this response to agree or

disagree with Findings or to commit itself to implement, study or not implement matters not yet even presented to them or considered.

- 4. Included in the notices is a "Warning Notice of Code Violation" which states that infractions are punishable by a mandatory fine of \$100 for the first offense, \$200 for the second, and \$500 for the third and subsequent violations within a 12-month period, plus penalty assessments.**

This Finding concerns a draft Code Compliance Manual existing only in draft format that has not yet been presented to the Board for consideration or approval. As a draft document it may be, and the Board understands that it is being, modified prior to such presentation. Board consideration of the revised draft will, and must, be done at open agendized sessions of the Board at which staff will make presentations and provide information and the public will be free to comment. Thereafter the Board will discuss the proposed document and may direct further changes. It would therefore be premature for the Board in this response to agree or disagree with Findings or to commit itself to implement, study or not implement matters not yet even presented to them or considered.

- 5. The Code Compliance Department has a backlog of more than 1000-code violation cases.**

Agree that on July 1, 2001 there were more than 1000 open code violation cases.

Since then, many have been closed or resolved. The current number of open cases is now approximately 700. Many of these cases are related to long-standing issues that are either difficult to resolve, of a minor nature and low priority, or awaiting action from another local, state, or federal agency.

- 6. Citizen complaints have increased dramatically over the past year from approximately 50 per month to 100-200 per month.**

Agree

- 7. Other counties use strict code enforcement, along with code compliance, to fully comply with existing codes.**

Agree

Some other counties most likely do use stricter code enforcement to compel compliance with their codes, just as other counties may not be as strict as Nevada County in seeking code compliance. Each county is unique as to its resources and priorities and has to settle upon the policy that is right for them. Past and current Boards in Nevada County have sought to gain compliance with all codes and regulations in a voluntary manner wherever possible before resorting to stricter enforcement measures.

8. **Schools and fire districts receive separate funds when building permits are issued. As an example, an average 2000-square-foot home generates \$4280 in school mitigation fees.**

Agree

9. **The Grand Jury was unable to get clear information on approximately how much money is lost to schools and fire districts due to non-permitted building.**

Agree

10. **If a property owner builds without a permit, and no complaint is filed, property taxes on improvements may not be collected.**

Partially disagree

Unpermitted construction is sometimes observed and reported by building department officials during performance of their official duties.

The Assessor's office also has the responsibility of discovery, and makes every attempt to discover and value unpermitted structures during their regular course of business.

11. **The Assessor's Office generally does not communicate with the CDA regarding non-permitted building improvement assessments.**

Partially disagree

The Assessor allows CDA access to printed records that identify value added to the tax rolls. The Assessor and CDA also communicate with each other on significant property record issues on an as-needed basis.

12. **The CDA has budgeted the purchase of a "Land Use Modules" software package, which could facilitate communications between departments.**

Agree

The CDA has budgeted \$125,000 to purchase a software system to share data between agency departments and more effectively track permit status and outstanding inter-departmental issues.

13. **At present, there are 2.5 full-time employees in the Code Compliance Department.**



Agree that at the time of this report was published there were 2.5 FTE employees in the Code Compliance Department although this number did not reflect the department director position.

At the present time, two CDA personnel have been reassigned to the Code Compliance Department. This brings total current CC staff to: 1 office assistant, 2 full-time officers, 1 full permit processing technician, and 1 1/2-time temporary officer. An additional 1.5 FTE (both Code Compliance officers) have been approved by the Board in the FY 2002-2003 budget. This staffing increase is contingent upon being funded through fee generation and revenue offsets.

- 14. A fee based cost recovery plan recently implemented by the Code Compliance Department would at least partially generate revenues to offset the cost of hiring two additional full-time employees. See the county government website <http://docs.co.nevada.ca.us/dsgi/ds.py/View/Collection-3217> for additional information.**

Partially disagree

Upon advice of County Counsel, the CDA is presently reevaluating the assessment of previously billed Code Compliance fees for service to ensure they were properly billed and are legally sufficient. Any fees that that have been properly collected will be used by CDA to offset the cost of the additional 1.5 FTE assigned to the Code Compliance Department.

**Recommendations:**

1. **The Board of Supervisors should approve the “Manual of the Code Compliance Department”, dated March 2002, after it has been revised as follows:**
  - a. **Streamline the process to correct a violation of any non-permitted building.**
  - b. **Require Nevada County CDA employees to file official complaints if they observe code violations.**
  - c. **Make use of legal enforcement in more difficult cases.**
  - d. **Spell out in detail all fees, fines, and penalties that need to be paid by violators of non-permitted buildings as well as all other code violations.**
  - e. **Increase amounts for mandatory fines and penalties to punitive levels.**
  - f. **Include the cost recovery plan in this manual.**

This Recommendation concerns a draft Code Compliance Manual existing only in draft format that has not yet been presented to the Board for consideration or approval. As a draft document it may be, and the Board understands that it is being, modified prior to such presentation. Board consideration of the revised draft will, and must, be done at open agendized sessions of the Board at which staff will make presentations and provide information and the public will be free to comment. Thereafter the Board will discuss the proposed document and may direct further changes. It would therefore be premature for the Board in this response to commit itself to implement, study or not implement matters not yet even presented to them or considered.

2. **Code Compliance Department staffing should be increased to reduce the backlog of open cases.**

The recommendation requires further analysis to be completed by February 28, 2003.

The CDA is presently undergoing a reengineering analysis and workload study. The results were presented to the Board on September 3, 2002 for consideration and approval. The CEO will be directed to prepare a plan to implement approved study recommendations and other Board direction which may be provided. If increased staffing in the Code Compliance Department is shown to be needed, it will be considered by the Board if recommended by the CEO and in relation to other priorities and available resources.

**3. The Assessor's Office should improve communications with the CDA to facilitate gathering information regarding non-permitted structures.**

The recommendation has been implemented.

The Assessor has agreed to allow access by CDA to printed property record data which can be used to identify values added to the tax rolls. The Assessor's staff also regularly communicates with CDA on an as-needed basis regarding significant issues.

In the new fiscal year the CDA and Assessor's offices will work to share data on all non-confidential information through a shared database.

**4. If the county cannot get resolution on a violation resulting in a substantial amount of money, a lien should be placed on the property in question to cloud title.**

The recommendation requires further analysis to be completed by November 30, 2002.

All possible enforcement actions that can be used to abate Code Compliance violations will be considered as part of the review and evaluation of proposed Code Compliance policies and procedures to be included in the new Code Compliance manual.

The Board of Supervisors will continue to support the development and operation of an effective and responsive Code Compliance program that impartially enforces county codes and regulations in a timely manner and respects the desire of the citizens of Nevada County to maintain the high quality of life within our community.

The Board believes the Code Compliance program should include both an educational component where citizens can come for information and understanding of regulatory requirements as well as an impartial enforcement process that is responsive to complaints and provides an escalating system of meaningful penalties designed to encourage full compliance within a reasonable amount of time.

As part of the discussion regarding the CDA Code Compliance manual later this Fall and after consideration of the CDA reengineering study, the Board will review all aspects of the Code Compliance program and solicit recommendations from staff and the community on how to enhance the program and make it more effective and responsive to community values and the needs of our citizens.

The Board will then provide clear and unambiguous policy direction to staff regarding the scope and extent of the Code Compliance program it wishes to have implemented and direct the CEO to take whatever steps are needed to implement the policy as quickly as possible and as resources permit.



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-1272 [www.co.nevada.ca.us/cda](http://www.co.nevada.ca.us/cda)

PLANNING DEPARTMENT  
PHONE (530) 265-1440  
FAX (530) 265-1798

ENVIRONMENTAL HEALTH  
PHONE (530) 265-1452  
FAX (530) 265-7056

BUILDING DEPARTMENT  
PHONE (530) 265-1444  
FAX (530) 265-1272

CODE COMPLIANCE  
PHONE (530) 265-1362  
FAX (530) 265-1625

July 05, 2002

Honorable Ersel L. Edwards  
Nevada County Superior Court Judge  
201 Church Street  
Nevada City, CA 95959

**RE: Response to Grand Jury Report – Nevada County Community Development Agency (CDA)**

Dear Judge Edwards:

Herewith is the Nevada County Community Development Agency's response to the Nevada County Grand Jury report. My responses are truthful and comprehensive, detailing the issues raised by the Grand Jury.

**FINDINGS**

**1. Quoting from the Code Compliance Manual:**

- A. Potential violations can come to the attention of Code Compliance through the public, community groups, other agencies, and Board of Supervisors referrals. Code Compliance works with communities and neighborhoods to resolve key enforcement issues; it is Code Compliance's sole authority to decide which complaints or violations to pursue based on the priority system and staff resources.
- B. Code Compliance is strictly a complaint driven process.
- C. Compliance is the goal; enforcement is to be used after all other options have failed.

RESPONSE: *Agree with the findings.*

2. The manual has five priorities. Building without a permit, as well as health and safety are listed as top priority.

RESPONSE: *Agree with findings.*

3. There are as many as eleven separate letters/notices, including a Stop Work Order, which can be sent to correct a violation of non-permitted building.

RESPONSE: *Partially disagree with findings. The grand jury was provided with a draft Code Compliance Manual. Originally, there were eleven separate letters and notices. As we are completing the final draft, we have reduced the number of letters/notices to seven.*

4. Included in the notices is a “Warning Notice of Code Violation” which states that infractions are punishable by a mandatory fine of \$100 for the first offense, \$200 for the second, and \$500 for the third and subsequent violations within a 12-month period, plus penalty assessments.

RESPONSE: *Agree with findings.*

5. The Code Compliance Department has a backlog of more than 1000 code violation cases.

RESPONSE: *Partially disagree with the findings. The Code Compliance Department had over 1100 cases at the beginning of July 1, 2001. Progress has been made during the ensuing year and the actual number is closer to 700 cases today.*

6. Citizen complaints have increased dramatically over the past year from approximately 50 per month to 100-200 per month.

RESPONSE: *Agree with the findings.*

7. Other counties use strict code enforcement, along with code compliance, to fully comply with existing codes.

RESPONSE: *Agree with findings. Other counties use strict code enforcement, along with code compliance, to fully comply with existing codes. However, it should be noted that each county is unique. Values and norms drive discretionary policies, which each local Board has local authority over. Past and current Boards have wanted staff to work with our community in a kinder and friendlier way. The challenge for the agency is to identify and clearly articulate where we have policies, which are at times diametrically opposed, and provide well thought out solutions and options for the Board to consider. As an example, we are looking at our vehicle abatement policy, how it inter-relates to the cottage ordinance, the zoning ordinances and local wrecking yard issues. Since approximately one third of our complaints result from vehicle abatement issues, clear direction will facilitate improved compliance and enforcement actions. It should be noted under our existing procedures that we do have a code enforcement component in our program as noted under 4.*

8. Schools and fire districts receive separate funds when building permits are issued. As an example, an average 2000-square foot home generates \$4280 in school mitigation fees.

*RESPONSE: Agree with the findings in concept. The \$4280 total in school mitigation fees is an approximate amount. There is a loss to both the County and the schools for non-permitted buildings. We believe this issue to be relatively small in relationship to the total number of buildings that are legally permitted each year. In calendar year 2001, we processed over 9,007 permits in the County. We believe the number of non-permitted buildings to be less than 1% though we have no empirical data. However, it should be noted that when the Assessor's office does their periodic inspections, they catch new construction for tax purposes whether the building construction was permitted or not.*

9. The Grand Jury was unable to get clear information on approximately how much money is lost to schools and fire districts due to non-permitted buildings.

*RESPONSE: Agree with findings. We currently do not have a mechanism to determine the number of unpermitted buildings in the county to give an accurate estimate. We will research this issue over the next fiscal year to identify the potential loss.*

10. If a property owner builds without a permit, and no complaint is filed, property taxes on the improvement may not be collected.

*RESPONSE: Agree with findings. However, there are times when in the course of reviewing a building site that we find other unpermitted structures. During this process we will require that the unpermitted structures be brought into compliance.*

11. The Assessor's Office generally does not communicate with the CDA regarding non-permitted building improvement assessments.

*RESPONSE: Partially disagree with the findings. The Assessor's office allows access to printed data, which identifies the values of the printed tax roll. The CDA and Assessor's staff communicates on an as needed basis regarding significant issues. In the new fiscal year the CDA and Assessor's offices will work to share data on all non-confidential information through a shared database.*

12. The CDA has budgeted the purchase of a "Land Use Module" software package, which could facilitate communication between departments.

*RESPONSE: Agree with findings. We have budgeted \$125,000 to pay for the Land Use module. The data on the system will be shared internally by the departments in CDA. In addition, the community will be able to access the status of their permit on line via the Internet.*

13. At present, there are 2.5 full-time employees in the Code Compliance Department.

RESPONSE: *Partially disagree with the findings. At the time discussions took place with the Grand Jury we had only 2.5 positions. However, in FY 2002-03, we reallocated two staff who were previously under the Permit Processing Center to more accurately reflect how staff actually supported Code Compliance. The 2.5 FTE's did not reflect the Code Compliance Director position. It should be noted that in our annual budget for FY 2003/04 we requested additional 1.5 FTE positions. The Board of Supervisors approved the positions contingent on the positions being fee generated and revenue offset.*

14. A fee based cost recovery plan recently implemented by the Code Compliance Department would at least partially generate revenues to offset the cost of hiring two additional full-time employees.

RESPONSE: *Agree with findings. However, it should be noted that only 1.5 FTE was requested in FY 2003/04.*

## CONCLUSIONS

1. An unknown, but potentially substantial, amount of money is not being collected for property taxes, mitigation fees, special district fees, and Building Fees.

RESPONSE: *Partially disagree with the findings. As indicated under Findings #8, 9, and 10, we recognize there is some loss of funds relative to non-permitted buildings. We believe this to be a small amount though we have no empirical data to support our conclusion. We do know that there are over 9000 permits, which are approved, on an annual basis in this county. We believe the vast majority of buildings are permitted, and those that are not are usually identified by staff review in either CDA or the Assessor's offices on site follow-ups. We have indicated a willingness to study this issue more closely over the next fiscal year.*

2. In the past, code enforcement for non-permitted building in our county has been ineffective and practically non-existent.

RESPONSE: *Disagree with findings. When the CDA finds a building to be unpermitted, we will work with owner to bring the building in compliance, including the proper permitting.*

3. The "Strictly by complaint" directive has failed to resolve the larger problem of non-compliance code. Surveillance by CDA employees has been discouraged, if not eliminated altogether.

RESPONSE: *Partially disagree with findings. Employees are encouraged to work respectfully and courteously with the public. Our approach has been to bring violators into voluntary compliance. If we can not get voluntary compliance we will use other code enforcement tools available to staff. Staff is not discouraged to identify large problems, which need to be mitigated. However, in terms of our current workload, we must balance issues based on the priority list established in Code Compliance as well as our available resources. This was the basis for reallocating staff in Code Compliance and requesting 1.5FTE new positions in the new budget year.*

4. Use of law enforcement, as a backup, in more difficult cases has been all but eliminated.

RESPONSE: *Partially disagree with the findings. We use the full continuum of laws, ordinances, and policies at our disposal. We make every effort to work with violators to bring them into voluntary compliance. We will use law enforcement only in the worst case scenario if the circumstance warrants their use.*

5. The recently developed Code Compliance Manual is a much-improved policy document. However, it does not spell out in detail that all regular County fees need to be paid by violators of non-permitted buildings, in addition to all mandatory fines and penalty assessments.

RESPONSE: *Agree with findings. The manual is in draft form. We could explore including language in the manual, which reflects that non-permitted buildings will pay County fees. In terms of penalty assessments above the permit fee, more research will need to be conducted by staff to determine an appropriate level and will require concurrence by the Board.*

6. The process to correct a violation of non-permitted building appears to be too bureaucratic and cumbersome. The paperwork going back and forth is immense, eleven different letters and notices should not be needed in order to establish violations and to get them settled.

RESPONSE: *Partially disagree with findings. The Grand Jury received a draft copy of the Code Compliance Manual. In the final draft, the total number of letters and notices will be reduced down to seven. It should be noted other requirements exist because of the potential involvement of the courts and the necessary documents required to present a case.*

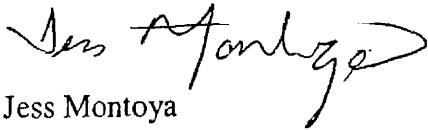
7. The mandatory fines for egregious violations (\$100, \$200, and \$500) of non-permitted building appear to be too nominal to be punitive. Fines should be a hefty percentage of all regular fees, especially for second and subsequent violations. This should deter property owners from building without permits.

RESPONSE: *The fines noted above may seem minor in nature. However, when you have to pay court fees on top of the above stated fees this increases the cost of each infraction by 100%. For*



*example a third infraction including court costs is \$1,200 dollars. We have also noted that staff will research in the new fiscal year the appropriate level for penalty fees for non-compliant buildings.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jess Montoya". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jess Montoya  
Community Development Agency Director

**COUNTY OF NEVADA**

**DALE F. FLIPPIN**

**ASSESSOR**

950 Maidu Avenue  
Nevada City, CA 95959-8600  
(530) 265-1232  
FAX 470-2532

July 2, 2002

Honorable Judge Carl F. Bryan, II  
Nevada County Superior Court  
201 Church Street  
Nevada City, CA 95959

**Re: Response to Grand Jury Report – Nevada County Community  
Development Agency (CDA)**

Dear Honorable Judge Bryan:

Herewith is the Nevada County Assessor's response to the Nevada County Grand Jury report. My responses are truthful and comprehensive, detailing the issues raised by the Grand Jury.

Sincerely,



Dale Flippin  
Nevada County Assessor

DFP/hg

**Nevada County Assessor  
Grand Jury Report Response**

**FINDINGS**

- 11) The Assessor's Office generally does not communicate with the CDA regarding non-permitted building improvement assessments.

Response: Partially disagree

The Assessor's office allows CDA access to printed data, which can be used to identify values added to the tax roll. Assessor's staff communicates with CDA on an as needed basis regarding significant items.

**RECOMMENDATIONS**

- 3) The Assessor's Office should improve communication with the CDA to facilitate gathering information regarding non-permitted structures.

Response: The Assessor's office will work with CDA to facilitate information gathering. Extent of information modification will be based on CDA requirements and Assessor's office resources.