

# **County Code Enforcement – A Continuing Concern**

## **Summary**

The Nevada County Grand Jury (Jury), in following up on citizen's complaints and prior Jury Reports, developed concern regarding the County Code Compliance Division's and Building Department's responses to complaints regarding code violations. The current Jury finds there is too much emphasis on voluntary compliance versus enforcement and too much opportunity for delay in correction or abatement of violations. The Jury observed that this allows some violations to continue for excessive periods of time. The Jury recommends measures to strengthen both the Code Compliance Division's and the Building Department's approaches in dealing with code violations. These recommendations include implementation of existing but under-used authority and establishment of new authorities and procedures for achieving compliance with applicable County codes.

## **Reason for Investigation**

The Jury received several citizen complaints from County residents regarding longstanding Code violations of the Land Use Development Code (LUDC). The complainants had been unsuccessfully trying for many years, (one for nearly a decade) to get the violations corrected by working with the County's Code Compliance Division. As the Jury began its investigation, it noted that two prior Grand Jury Reports (2001/02 and 2003/04) had been issued based on very similar concerns. The Jury concluded that a new investigation was required to assess the current situation.

## **Background**

The Code Compliance Division (Code) and the Building Department (Building) are components of the Community Development Agency (CDA). CDA is an umbrella agency for several departments: Planning, Building, Environmental Health, Housing and the Agricultural Commissioner. Code is a Division of the Planning Department. Code functions as a complaint-driven operation only. It responds to and investigates written complaints received from County residents with regard to perceived violations of the LUDC, and any other County codes relating to land use. Examples include building without proper permits, accumulation of trash, failing septic systems, abandoned vehicles and excess accumulations of inoperable vehicles visible from off the property. Building reviews plans, issues construction permits, assesses fees for construction inspections and conducts required inspections to assure construction is done properly.

## Procedure Followed

The Jury interviewed the complainants and reviewed the information they supplied. The Jury reviewed prior Jury reports. This review found striking similarities between the current complaints and the issues addressed by the prior Jury reports. The Jury also interviewed County staff and managers in the Planning and Building Departments in an effort to get a complete and accurate understanding of the way Code and related departments function.

In addition to interviews with these persons, the Jury requested, obtained and studied files kept by both Code and Building regarding the properties that were the subjects of the complaints received by the Jury.

The Jury also reviewed a document titled: Procedural Guidelines of the Code Compliance Department (sic). This document was produced at a time when Code was a Department in CDA rather than a Division of the Planning Department. Its latest form states, on its cover, that it was revised by staff in January 2004. This document was accepted by the Board of Supervisors (Board) on February 10, 2004. An appendix (A-18, Fee Schedule) to this document was approved by the Board on December 14, 2004. This was not reviewed because it could not be located as of March 4, 2009. The Jury also reviewed code and policy sections and correspondence obtained from several of the managers interviewed. Members of the Jury also visited one of the subject properties during its public hours.

## Findings

1. The Code Compliance Division is organizationally separated from the Building Department.
2. The philosophy of Code is to secure voluntary compliance with applicable codes rather than to punish violators, although fines and penalties are included in the tools available to Code in pursuit of this objective. In discussion, staff continually distinguished between *compliance* and *enforcement*, noting that the County's preference was for the former. The Jury understood this to mean the Board's preference.
3. It is the practice of the County that neither Code staff nor any other County staff members are to proactively look for Code violations. Code opens an investigation only after receipt of a written complaint.
4. Code does not issue permits. This is done by other departments in the CDA, e.g., Building and Environmental Health.
5. Code officers have authority to issue infraction-level citations in cases in which they are not able to secure voluntary compliance. Infractions are the lowest level of criminal complaint. As are all crimes, they are adjudicated through the Superior Court (Court). Fines are the maximum level of punishment for infractions.

The dollar amounts of fines for Code violations are set by County Code (LUDC Section L-II 5.21, F, 1, a-c).

6. Most citations are issued only after numerous and time consuming efforts are made to secure compliance. Health and safety issues may be handled in a more timely manner.
7. The Court does not always assess fines in response to citations and sometimes suspends fines it does assess, pending compliance, and waives them if compliance is achieved.
8. An existing Ordinance provides for “Nuisance Abatement,” a process by which Code Officers obtain authority to abate an ongoing violation. This is done without the property owner’s consent, and the cost of abatement is charged to the property owner.
9. Code has been in consultation with County Counsel, for about a year, on fine tuning procedures to assure due process in implementation of the Nuisance Abatement Ordinance, following about five years of disuse.
10. An alternative to the criminal infraction would be the Administrative Citation. These are non-criminal citations adjudicated by Administrative Hearing Officers, with backgrounds in land use issues. This would provide an alternative to going to Court. Administrative Citations are in use in other jurisdictions. Code is working with County Counsel to develop an Administrative Citation Ordinance for their division, providing a more efficient and effective citation process. Efforts to implement this tool have also been in discussion for approximately one year.
11. The Procedural Guidelines of the Code Compliance Department document, which was adopted by the Board of Supervisors on February 10, 2004, contains conflicting guidance as to when Code cases may be closed:
  - a. The following guidance appears on page 11: “Do not close a case until the necessary permits have been obtained, a complete abatement has occurred, inspections have been made to verify compliance (Zoning, Building, Environmental, and Safety) and Code Compliance billings have been sent and collected.”
  - b. Contradictory guidance is found on page 24: “When it is determined that a complaint needs to be remedied with a permit, the Code Enforcement Officer shall work cooperatively together with the other department to determine what permits are needed. Once that is done, the case can be closed: the needed permit(s) and permit fee(s) shall be noted in the contact report.”
12. All County staff interviewed stated that Code’s standard operating procedure is to consider issuance of a building permit (by Building) as *compliance*, and to close the Code case at that point.

13. Code will re-open a case if notified by Building that a permit had expired without abatement of the condition that caused the original complaint. However, there is no written guideline or policy that would require Building to provide this notice.
14. In the first case that brought this matter to the Jury's attention, there was already a multi-year history of attempts to resolve the issues through both an informal process and formal complaints to Code.
15. Building permits are valid for six months.
16. Building has the authority to issue permits with a shorter time-limit. This authority covers issues resulting in dangerous, substandard or illegal conditions.
17. One of the outstanding violations in the first case was a safety issue of such importance that the property owner had been ordered by both Code and Building to not allow public use until it was corrected.
18. The property owner in the first case continued to allow public use of this building on a regular basis, in defiance of the above order. This was verified by Jury members, on site.
19. Since the Jury investigation began, all outstanding permits on the property involved have been closed with a final inspection, except for one. This remaining permit, open since 2003, is a subject of the original complaint to the Jury. The work required for the permit has not yet been completed.
20. Building does not always use its authority to double inspection fees in cases in which construction was initiated without a permit.
21. Building is considered a fee-based department. Money collected by this department for building permits and inspection fees is used to fund Building.
22. Code is not a fee-based division. Only ½ of 1% of the budget comes from fines resulting from infraction level citations issued by Code officers.
23. Code has only three case officers; each officer averages between 80 and 100 active cases at any one time.

## **Conclusions**

1. The current organizational separation between Code and Building inhibits communication and contributes to the problems in achieving compliance.
2. The Board has gone too far in emphasizing *compliance* over *enforcement*.

3. Enforcement versus seeking voluntary compliance would, in many cases, be faster, reduce officer caseload and generate funds for the County budget.
4. It is ironic that the public doing business with Building pay for their services through building permits and inspection fees. Services for those in violation are paid from the General Fund.
5. The effort to use the existing Nuisance Abatement Ordinance is laudable but too slow in implementation.
6. The effort to establish an Administrative Citation process is also laudable but too slow in being implemented.
7. Issuance of a permit is no guarantee a violation will be corrected; dangerous, substandard and illegal conditions may persist.
8. Conflict in Code's Procedural Guidelines causes confusion, inconsistency and premature closure of cases.
9. Permits can be continually renewed, resulting in failure to fully abate code violations.
10. The current procedures used by Code are not sufficient to secure the level and speed of compliance that the residents of Nevada County should reasonably expect. This sometimes allows continuation of a safety hazard to residents of and visitors to the County.
11. Failure to charge applicable double inspection fees for late permits results in loss of revenue to the County.

### **Recommendations**

1. The Board should direct staff to consolidate the Code Compliance Division with the Building Department.
2. The Board should modify its philosophy to emphasize enforcement over voluntary compliance.
3. The Board should direct staff to give greater urgency to the implementation of the existing Nuisance Abatement Ordinance.
4. The Board should also direct staff to develop a plan for the approval and implementation of the proposed Administrative Citation Ordinance. This plan should include dates that can be tracked.

5. The Board should direct staff to revise the Procedural Guidelines of the Code Compliance Department to clearly state that Code cases resulting in permits shall not be closed until the final inspection(s) on the permit(s) are completed and all fines and fees collected.
6. The Board should direct Building to issue limited-term permits in all cases in which a Code case involving dangerous, substandard or illegal conditions led to the permit application.
7. The Board should direct Building to follow up to close existing permits initiated because of a code violation.
8. The Board should direct Building to routinely charge double inspection fees for permits resulting from Code actions.
9. The Board should direct staff to find a means of limiting the number of permit renewals or extensions.

### **Required Responses**

Board of Supervisors October 6, 2009

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August 11, 2009

The Honorable Judge Thomas Anderson  
Presiding Judge of the Nevada County Grand Jury  
Nevada County Courthouse  
201 Church Street  
Nevada City, CA 95959

Re: Board of Supervisors' Responses to the 2008-2009 Nevada County Civil Grand Jury Report, *County Code Enforcement – A Continuing Concern*.

Dear Judge Anderson:

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the 2008-2009 Nevada County Civil Grand Jury Report, dated June 8, 2009, entitled *County Code Enforcement – A Continuing Concern*.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on August 11, 2009. The Responses are based on either personal knowledge, examination of official County records, information received from the Community Development Agency Director, the County Executive Officer, or the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2008-2009 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Respectfully submitted,

Hank Weston

Chairman, Board of Supervisors

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO  
2008/2009 CIVIL GRAND JURY REPORT  
DATED JUNE 8, 2009  
RE: COUNTY CODE ENFORCEMENT – A CONTINUING CONCERN**

*Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by County Counsel, the Community Development Agency, the County Executive Officer, or testimony from the Board Chair and county staff members.*

**A. RESPONSES TO FINDINGS**

- 1. The Code Compliance Division is organizationally separated from the Building Department.**

Partially disagree.

Code Compliance is a division within the Planning Department. This department, along with the Building Department, Environmental Health Department, Public Works Department, Department of Sanitation, and the Agricultural Commissioner/Sealer of Weights and Measures are all constituent parts of the Community Development Department. As such, all of these departments and their respective duties and responsibilities are “organizationally” related and connected.

- 2. The philosophy of Code is to secure voluntary compliance with applicable codes rather than to punish violators, although fines and penalties are included in the tools available to Code in pursuit of this objective. In discussion, staff continually distinguished between *compliance* and *enforcement*, noting that the County’s preference was for the former. The Jury understood this to mean the Board’s preference.**

Agree.

- 3. It is the practice of the County that neither Code staff nor any other County staff members are to proactively look for Code violations. Code opens an investigation only after receipt of a written complaint.**

Partially disagree.

If Code staff or other County staff observe either imminent health or safety issues (e.g., surfacing septic) or unpermitted construction in progress, those issues will be brought to the attention of the Code Division program manager. In instances involving imminent health and safety concerns, a Code case will be opened immediately. Construction without permits requires a “red tag” (stop work order) be issued. If there is no response by the property owner to notifications from the Building department stating that permits are required, the matter will become a Code case.



Members of the County Board of Supervisors may request a code case be opened, as well as officers of the Nevada County Sheriff's Office.

- 4. Code does not issue permits. This is done by other departments in the CDA, e.g., Building and Environmental Health.**

Agree.

In addition to the Building and Environmental Health Departments, the Planning and Public Works Departments also issues permits.

- 5. Code officers have authority to issue infraction-level citations in cases in which they are not able to secure voluntary compliance. Infractions are the lowest level of criminal complaint. As are all crimes, they are adjudicated through the Superior Court (Court). Fines are the maximum level of punishment for infractions. The dollar amounts of fines for Code violations are set by County Code (LUDC Section L-II 5.21, F, 1, a-c).**

Agree.

- 6. Most citations are issued only after numerous and time consuming efforts are made to secure compliance. Health and safety issues may be handled in a more timely manner.**

Partially disagree.

Health and safety issues are handled in a timely manner.

- 7. The Court does not always assess fines in response to citations and sometimes suspends fines it does assess, pending compliance, and waives them if compliance is achieved.**

Agree.

- 8. An existing Ordinance provides for "Nuisance Abatement," a process by which Code Officers obtain authority to abate an ongoing violation. This is done without the property owner's consent, and the cost of abatement is charged to the property owner.**

Agree.

- 9. Code has been in consultation with County Counsel, for about a year, on fine tuning procedures to assure due process in implementation of the Nuisance Abatement Ordinance, following about five years of disuse.**

Agree.

(Note: Subsequent to the issuance of this Grand Jury report, Code completed the first Nuisance Abatement case using the newly formatted process.)

- 10. An alternative to the criminal infraction would be the Administrative Citation. These are non-criminal citations adjudicated by Administrative Hearing Officers, with backgrounds in land use issues. This would provide an alternative to going to Court. Administrative Citations are in use in other jurisdictions. Code is working with County Counsel to develop an Administrative Citation Ordinance for their division, providing a more efficient and effective citation process. Efforts to implement this tool have also been in discussion for approximately one year.**

Partially disagree.

Rather than an alternative to criminal infractions the administrative citations would provide an additional enforcement tool to Code. There will remain situations where a criminal citation would be more likely to gain compliance than an administrative citation. Examples of cases where criminal citations are more effective include out-of-county roadside vendors and long-term cases where the property owner is on probation.

- 11. The Procedural Guidelines of the Code Compliance Department document, which was adopted by the Board of Supervisors on February 10, 2004, contains conflicting guidance as to when Code cases may be closed:**

- a. The following guidance appears on page 11: “Do not close a case until the necessary permits have been obtained, a complete abatement has occurred, inspections have been made to verify compliance (Zoning, Building, Environmental, and Safety) and Code Compliance billings have been sent and collected.”
- b. Contradictory guidance is found on page 24: “When it is determined that a complaint needs to be remedied with a permit, the Code Enforcement Officer shall work cooperatively together with the other department to determine what permits are needed. Once that is done, the case can be closed: the needed permit(s) and permit fee(s) shall be noted in the contact report.”

Agree.

(Note: See response to Recommendation #5)

- 12. All County staff interviewed stated that Code’s standard operating procedure is to consider issuance of a building permit (by Building) as *compliance*, and to close the Code case at that point.**

Agree.

(Note: In an effort to ensure that compliance is reached on all cases, Code staff has established a “Resolved” status for cases that have had all other violations resolved, and all required Building permits issued, but where Building permits have not been finalized. “Resolved” cases are monitored by Code staff until the permit is finalized (all work completed and subsequently approved by the Building department), or the permit expires, in which instance the Code case will be reactivated).

- 13. Code will re-open a case if notified by Building that a permit had expired without abatement of the condition that caused the original complaint. However, there is no written guideline or policy that would require Building to provide this notice.**

Partially disagree.

Written guidelines for such instances where, “... a permit had expired without abatement of the condition that caused the original complaint,” were addressed in an April 30, 2009 policy memo from the Code Compliance program manager. That policy directive requires Code Compliance staff to monitor permit status and pursue alternative methods of achieving compliance as necessary.

- 14. In the first case that brought this matter to the Jury’s attention, there was already a multi-year history of attempts to resolve the issues through both an informal process and formal complaints to Code.**

Unable to respond.

Information concerning the property owner, the property’s address and the assessor’s parcel number of the “first case that brought this matter to the Jury’s attention” was not disclosed to Code during interviews with the Grand Jury, nor is it provided in the report to which this document is responding.

- 15. Building permits are valid for six months.**

Agree.

(Note: Automatic building permit extensions are provided for in the state building code which is adopted by the County. Building permits are automatically extended if one (1) inspection is completed while the permit remains valid.)

- 16. Building has the authority to issue permits with a shorter time-limit. This authority covers issues resulting in dangerous, substandard or illegal conditions.**

Agree.

- 17. One of the outstanding violations in the first case was a safety issue of such importance that the property owner had been ordered by both Code and Building to not allow public use until it was corrected.**

Unable to respond.

Information concerning the property owner, the property's address and the assessor's parcel number of the "first case that brought this matter to the Jury's attention" was not disclosed to Code during interviews with the Grand Jury, nor is it provided in the report to which this document is responding.

- 18. The property owner in the first case continued to allow public use of this building on a regular basis, in defiance of the above order. This was verified by Jury members, on site.**

Unable to respond.

Information concerning the property owner, the property's address and the assessor's parcel number of the "first case that brought this matter to the Jury's attention" was not disclosed to Code during interviews with the Grand Jury, nor is it provided in the report to which this document is responding.

- 19. Since the Jury investigation began, all outstanding permits on the property involved have been closed with a final inspection, except for one. This remaining permit, open since 2003, is a subject of the original complaint to the Jury. The work required for the permit has not yet been completed.**

Unable to respond.

Information concerning the property owner, the property's address and the assessor's parcel number of the "first case that brought this matter to the Jury's attention" was not disclosed to Code during interviews with the Grand Jury, nor is it provided in the report to which this document is responding.

- 20. Building does not always use its authority to double inspection fees in cases in which construction was initiated without a permit.**

Agree.

(Note: Double inspection fees may be waived by the Building Official under the following circumstances:

1. When the permit will be issued to a property owner who was not responsible for the creation of the code violation; or

2. When it is determined, in consultation with Code staff, that waiving the double inspection fee is likely to lead to expedited compliance and case closure, ultimately thereby saving the County money by no longer requiring ongoing code compliance activities)

21. **Building is considered a fee-based department. Money collected by this department for building permits and inspection fees is used to fund Building.**

Agree.

22. **Code is not a fee-based division. Only ½ of 1% of the budget comes from fines resulting from infraction level citations issued by Code officers.**

Agree.

23. **Code has only three case officers; each officer averages between 80 and 100 active cases at any one time.**

Agree.

## **B. RESPONSES TO RECOMMENDATIONS**

1. **The Board should direct staff to consolidate the Code Compliance Division with the Building Department.**

The recommendation will not be implemented.

The Code Compliance Division is responsible for compliance activities for all County codes enforced by the various Departments within the Community Development Agency. Many of the most complex cases that Code deals with stem from Chapter II of the Land Use and Development Code (Zoning Ordinance). These zoning matters fall under the Planning Department where the Code Compliance Division is currently housed. Although a significant number of cases do involve Building Code violations these cases also typically involve Zoning Ordinance and/or Health Code violations as well.

Code staff works primarily with the Planning Department, Environmental Health Department and Building Department with the CDA. Outside of this agency, Code staff works with Child Protective Services and the Sheriff's Department as necessary. No foreseeable advantage would be gained by shifting the Code Compliance Division to the Building Department.

- 2. The Board should modify its philosophy to emphasize enforcement over voluntary compliance.**

The recommendation will not be implemented.

One of the three "Priority A" objectives adopted by the Board of Supervisors for 2009 was, "Enable Code Enforcement division to enforce compliance violations and achieve faster results and cost recovery." This is an indication of the Board of Supervisors' support for a strong and effective code compliance program.

The Board has determined, however, that when progress is being made toward voluntary compliance, the use of vigorous enforcement methods often serves to stop progress and divert funds of the property owner from mitigating the violations to paying fines.

- 3. The Board should direct staff to give greater urgency to the implementation of the existing Nuisance Abatement Ordinance.**

The recommendation has been implemented.

One of the three "Priority A" objectives for 2009 adopted by the Board of Supervisors was, "Enable Code Enforcement division to enforce compliance violations and achieve faster results and cost recovery." Code has been given clear direction to implement the provisions of the County's nuisance abatement process.

Code Compliance staff has now successfully completed the first Nuisance Abatement hearing utilizing a new protocol. Based on this successful case each Code Compliance officer has been assigned a case to carry through the nuisance abatement process.

- 4. The Board should also direct staff to develop a plan for the approval and implementation of the proposed Administrative Citation Ordinance. This plan should include dates that can be tracked.**

The recommendation has not yet been implemented, but will be implemented within the year.

Code Compliance staff and County Counsel are working to develop an Administrative Citation Ordinance for Nevada County. This process has included reviewing the best practices of other jurisdictions and working to draft an ordinance that outlines a process that will be fair to property owners while also protecting the rights of the County.

- 5. The Board should direct staff to revise the Procedural Guidelines of the Code Compliance Department to clearly state that Code cases resulting in permits shall not be closed until the final inspection(s) on the permit(s) are completed and all fines and fees collected.**

This recommendation has not yet been implemented but will be undertaken during the current fiscal year.

While there is a recent (4/30/09) staff policy directive that specifically addresses his matter, it is agreed that such a policy will be adopted by being included in revisions to the Procedural Guidelines of Code Compliance.

6. **The Board should direct Building to issue limited-term permits in all cases in which a Code case involving dangerous, substandard or illegal conditions led to the permit application.**

This recommendation has been implemented.

The Building Official has the authority to issue building permits with specific, limited-term, time frames in cases involving dangerous structures. In consultation with Code Compliance staff, the Building Official will exercise this authority.

7. **The Board should direct Building to follow up to close existing permits initiated because of a code violation.**

This recommendation will not be implemented.

While the Building Department plays a role in tracking building permits issued on properties with Code cases, the Code Compliance Division has been tasked with monitoring these cases.

8. **The Board should direct Building to routinely charge double inspection fees for permits resulting from Code actions.**

This recommendation will not be implemented.

The Board does not support a blanket direction to the Building Official to impose double inspection fees in all cases. Where it is determined that waiving the double inspection fees is likely to lead to timely compliance and the case being closed, ultimately saving the County money by no longer requiring ongoing inspections, the double inspection fees may be waived by the Building Official in consultation with Code Compliance staff.

9. **The Board should direct staff to find a means of limiting the number of permit renewals or extensions.**

This recommendation has been implemented.

The Building Official has the authority to issue building permits with specific, limited-term, time frames in cases involving dangerous structures. In consultation with Code Compliance staff, the Building Official will exercise this authority.

# COUNTY OF NEVADA

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September 22, 2009

The Honorable Judge Thomas Anderson  
Presiding Judge of the Nevada County Grand Jury  
Nevada County Courthouse  
201 Church Street  
Nevada City, CA 95959

Re: Board of Supervisors' revised Responses to Findings 14, 17, 18 and 19 in the 2008/09 Nevada County Civil Grand Jury Report, *County Code Enforcement – A Continuing Concern*.

Dear Judge Anderson:

The Board of Supervisors has submitted its responses, dated August 11, 2009 to the 2008/09 Grand Jury report entitled, *County Code Enforcement – A Continuing Concern*. However, in a letter dated September 2, 2009 the Foreman of the County Grand Jury expressed a concern that the County's original responses to the above referenced Grand Jury report is not fully in compliance with the requirements of Penal Code Sec. 933.05(a).

Therefore, at its regular meeting on September 22, 2009, the Board of Supervisors approved the attached Responses to the Jury's Findings 14, 17, 18, and 19 as meeting the required format in conformance with California Penal Code Sec. 933.05(a).

Respectfully submitted,

Hank Weston

Chairman, Board of Supervisors



**NEVADA COUNTY BOARD OF SUPERVISORS REVISED RESPONSES TO THE  
2008/2009 CIVIL GRAND JURY REPORT – DATED JUNE 8, 2009**

**RE: COUNTY CODE ENFORCEMENT – A CONTINUING CONCERN  
FINDINGS 14, 17, 18, 19**

*Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by County Counsel, the Community Development Agency, the County Executive Officer, or testimony from the Board Chair and county staff members.*

**RESPONSES TO FINDINGS**

**14. In the first case that brought this matter to the Jury's attention, there was already a multi-year history of attempts to resolve the issues through both an informal process and formal complaints to Code.**

Partially disagree.

Specific information regarding the "...first case that brought this matter to the Jury's attention" is not revealed in the Grand Jury report. However, there are code compliance cases of record which have multi-year histories of attempts to resolve issues through formal complaints.

**17. One of the outstanding violations in the first case was a safety issue of such importance that the property owner had been ordered by both Code and Building to not allow public use until it was corrected.**

Partially disagree.

Specific information regarding the "...first case that brought this matter to the Jury's attention" is not revealed in the Grand Jury report. However, where circumstances exist which constitute a clear danger to health and safety, the Building Official will order that a structure not be occupied until violations have been corrected.

**18. The property owner in the first case continued to allow public use of this building on a regular basis, in defiance of the above order. This was verified by Jury members, on site.**

Partially disagree.

Specific information regarding the "...first case that brought this matter to the Jury's attention" is not revealed in the Grand Jury report. However, there are code compliance cases of record where a property owner or business operator has allowed continued public uses of a building or facility in defiance of a "cease and desist" issued by Code Compliance staff.

Neither County staff nor the Board of Supervisors is able to confirm what Jury members may have observed on any particular site.

**19. Since the Jury investigation began, all outstanding permits on the property involved have been closed with a final inspection, except for one. This remaining permit, open since 2003, is a subject of the original complaint to the Jury. The work required for the permit has not yet been completed.**

Partially disagree.

Specific information regarding "...the property involved..." is not revealed in the Grand Jury report. There are, however, examples of building permits which were issued in 2003 that have yet to be finalized. Some of those permits have been cancelled, while others have been extended and are still considered to be active.