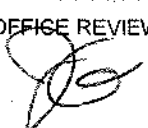
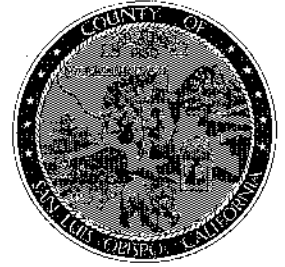


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administration/Planning and Building		(2) MEETING DATE August 4, 2009		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Request to approve recommended responses by the Board of Supervisors to the 2009 Grand Jury report titled "Delayed Building and Safety Code Enforcement." The request includes approval and transmittal of the Board's recommended response, along with the responses by the Planning and Building Department, to the Presiding Judge of the Superior Court by August 20, 2009.					
(5) SUMMARY OF REQUEST The 2009 Grand Jury prepared a report based upon their investigation of complaints about a lack of due diligence and cooperation from the Department of Planning and Building. The report addresses three code enforcement cases and states that building and safety code enforcement was delayed, beyond a reasonable time frame in, two of the cases. The Grand jury identifies three (3) findings and three (3) recommendations requiring response by the Planning and Building Department and the Board of Supervisors. Recommended responses by the Board of Supervisors and the response by the Planning and Building Department are included with this item.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the recommended Board of Supervisors response to the Grand Jury report titled "Delayed Building and Safety Code Enforcement" and transmit this response and the response by the Department of Planning and Building to the Presiding Judge of the Superior Court, with copy to the Foreperson of the Grand Jury.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR FINANCIAL IMPACT N/A		(9) ANNUAL COST N/A	
		(10) BUDGETED? ☐ No ☒ Yes ☐			
(11) OTHER AGENCY INVOLVEMENT/IMPACT (LIST): The Administrative Office worked with the staff of the Planning and Building Department as part of the examination of the Grand Jury's Findings and Recommendation for this report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____ ☐ Permanent _____ ☐ Limited Term _____ ☐ Contract _____ ☐ Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) ☐ 1st, ☐ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☒ All			(14) LOCATION MAP ☐ Attached ☐ N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board ☐ N/A
(16) AGENDA PLACEMENT ☒ Consent ☐ Hearing (Time Est. _____) ☐ Presentation ☐ Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS ☐ Resolutions (Orig) ☐ Contracts (Orig + 3 Copies) ☐ Ordinances (Orig) ☒ N/A ☐ Email Resolution and Ordinance to CR_Board_Clerk (in Word)		
(18) NEED EXTRA EXECUTED COPIES? ☐ Number: _____ ☐ Attached ☒ N/A			(19) BUDGET ADJUSTMENT REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required ☒ N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 ☐ No ☐ Yes		(22) Agenda Item History ☐ N/A Date N/A
(23) ADMINISTRATIVE OFFICE REVIEW 					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



JIM GRANT
INTERIM COUNTY ADMINISTRATOR

To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

Date: August 3, 2009

Subject: Request to approve recommended responses by the Board of Supervisors to the 2009 Grand Jury report titled "Delayed Building and Safety Code Enforcement." The request includes approval and transmittal of the Board's recommended response, along with the responses by the Planning and Building Department, to the Presiding Judge of the Superior Court by August 20, 2009.

RECOMMENDATION

It is recommended that your Board of Supervisors adopts the recommended responses, identified in Attachment 1 to this Board letter, as the Board of Supervisor's responses to the 2008-09 Grand Jury report titled "Delayed Building and Safety Code Enforcement" and forward the responses, along with the responses by the Planning and Building Department, Attachment 2, to the Presiding Judge of the Superior Court and the Grand Jury by August 28, 2009.

DISCUSSION

The Grand Jury issued a report on June 10, 2009 based upon their investigation on complaints about a lack of due diligence and cooperation from the Department of Planning and Building. Each of the three complaints received stated that code violations were being ignored and proper enforcement delayed beyond a reasonable time frame. The report addresses three code enforcement cases and states that building and safety code enforcement was delayed, beyond a reasonable time frame in two of the cases.

County Administrative Office staff reviewed the Grand Jury report and the response by the Planning and Building Department with staff from that department. The department's response and subsequent discussions with the Administrative Office

revealed that the Planning and Building Code Enforcement staff works with individuals and groups who may be the subject of code enforcement actions to bring violations into compliance with the applicable building and safety codes. The time frame within which code violations are actually resolved can vary by the complexity of the case, whether the individual or group involved is cooperative, and the time frames allowed for processing various permits.

The Planning and Building Department response to the Grand Jury report provides a reasonable basis for the required Board of Supervisors response to the report.

The report requires the responses to Findings and Recommendations as identified below:

- San Luis Obispo Department of Planning and Building is required to respond to Findings 1-3 and Recommendations 1-3.
- San Luis Obispo Board of Supervisors is required to respond to Findings 1-3 and Recommendations 1-3.

This report includes the following Attachments.

Attachment 1 – Recommended Response by the Board of Supervisors to the Grand Jury Report

Attachment 2 – July 16, 2009 Planning and Building Department Responses to the Grand Jury Report

Attachment 3 – 2008-09 Grand Jury report titled “Delayed Building and Safety Code Enforcement”

Responses from the County Department of Planning are due to the Presiding Judge by August 20, 2009. The responses from the Board are due to the Presiding Judge by September 19, 2009. The County Administrative Office procedures include coordinating the departmental responses to Grand Jury reports and preparing recommended responses on behalf of the Board of supervisors. The departmental responses to this Grand Jury report are attached and, where appropriate, incorporated as the Board’s response.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Administrative Office reviewed the responses to the Grand Jury report prepared by the Department of Planning and Building in the development of the recommended Board responses to this report.

FINANCIAL CONSIDERATIONS

Costs for preparing this response are included in the current department budget.

RESULTS

This response will meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations.

ATTACHMENT 1

Recommended Response by the Board of Supervisors to the Grand Jury Report of June 2009 on the "Delayed Building and Safety Code Enforcement"

The San Luis Obispo County Board of Supervisors has the following responses to the Grand Jury's Findings 1-3, and Recommendations 1-3 contained within the report titled: "Delayed Building and Safety Code Enforcement."

GRAND JURY FINDINGS

1. The County Code Enforcement Division of the Planning and Building Department handles hundreds of cases a year. The vast majority of these are resolved in a fair and timely fashion by a dedicated and professional staff. The three subjects described in this report evidently represent unique code enforcement cases which have festered over time.

Recommended Board of Supervisors Response

The Board of Supervisors agrees with the finding.

2. The County Code Enforcement Division and the Department of Planning and Building have been dilatory in enforcing the county building and safety codes when dealing with cases #2 and #3 of this report.

Recommended Board of Supervisors Response

The Board of Supervisors disagrees with this finding and adopts the response by the Department of Planning and Building as the Board of Supervisors' Response to this Finding (see attached response by the Department of Planning and Building shown as Attachment 2). The Board acknowledges that code enforcement efforts are oriented toward gaining compliance through owner actions that include obtaining the proper permits and making subsequent improvements needed for compliance. This process can take considerable time to complete.

3. According to the Department of Planning and Building correspondence to the Grand Jury, three areas of service improvement have been identified: A) Building Inspection record keeping B) Code Enforcement personnel training with an emphasis on implementation and neutrality and C) Public outreach relative to county rules, regulations, and policies.

Recommended Board of Supervisors Response

The Board of Supervisors agrees with this finding and adopts the response by the Department of Planning and Building, noting the corrected language, as the Board of Supervisors' Response to this Finding (see attached response by the Department of Planning and Building shown as Attachment 2).

GRAND JURY RECOMMENDATIONS

1. The Director of the County Planning and Building Department should provide increased review and oversight of the Code Enforcement Division to insure prompt and consistent attention to difficult code enforcement cases.

Recommended Board of Supervisors Response

The recommendation has been implemented. The Board of Supervisors adopts the response by the Planning and Building Department as the Board of Supervisors' response to this recommendation (see attached response by the Department of Planning and Building shown as Attachment 2).

2. As recommended by the County Counsel and noted in a memo to the Grand Jury from the Department of Planning and Building, "Homeless shelters, residential recovery facilities, and group homes, a category of housing currently not specifically addressed by county land use regulations, be considered for inclusion into the County Land Use Ordinance." The Grand Jury strongly supports this effort.

Recommended Board of Supervisors Response

The recommendation has not yet been implemented, but will be implemented in the future as part of the update of the Housing Element of the General Plan tentatively planned to be completed in 2010. The Board of Supervisors adopts the response by the Planning and Building Department as the Board of Supervisors response to this recommendation (see attached response by the Department of Planning and Building shown as Attachment 2).

3. The three areas of service improvement identified by the management team of the Department of Planning and Building in Finding #3 be implemented.

Recommended Board of Supervisors Response

Two of the three service improvements have been implemented and one will be implemented by December 31, 2009. The Board of Supervisors adopts the response by the Planning and Building Department as the Board of Supervisors' response to this recommendation (see attached response by the Department of Planning and Building shown as Attachment 2).