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6. On a weekly rotation schedule, five head of cattle or 12 hogs are slaughtered.
7. Inmates from MCF are used for farming produce such as lettuce or cabbage. They also glean or separate the edible and inedible fruit, such as oranges that local area farmers donate to the BWDF. The produce and fruit are used for meals at all County detention facilities.
8. Produce and fruit unfit for human consumption are fed to cattle and hogs.
9. BWDF farming operations have saved the County the following yearly expenditures:
  - a. \$250,000 for both beef and pork
  - b. \$60,000 for produce such as lettuce, cabbage, etc.
  - c. \$107,310 for fruit, for example oranges

## **CONCLUSIONS**

It has been determined by the Grand Jury that the complaints received this year from inmates were unfounded.

Using BWDF inmates to staff the kitchen and MCF inmates for the farming operations provide inmates with job skills, teaches responsibility and saves the County a great deal of money.

## **RECOMMENDATION**

Tulare County try a co-op exchange program with detention farming operations from other counties. Exchanging a high yield crop to those with a low yield crop could save the County additional funds.

## **REPONSES REQUIRED**

Tulare County Board of Supervisors

Tulare County Sheriff

## **ENFORCING THE RESOURCE MANAGEMENT AGENCY'S CODE ENFORCEMENT**

### **BACKGROUND**

The 2009-2010 Tulare County Grand Jury published a final report called "County Missed Opportunity to Collect Revenue". This report was generated because a citizen complained about a Property Owner (PO) installing a seatrain<sup>1</sup> without a Building Permit and the required inspections. This same PO was also operating a trucking business without a Special Use Permit (SUP). Both issues were in violation of Tulare County's Ordinance Code 352.

This same report indicated that the Resource Management Agency (RMA) failed to enforce zoning and ordinance codes.

### **REASON FOR INVESTIGATION**

The 2010-2011 Tulare County Grand Jury (Grand Jury) received a citizen complaint concerning the same PO mentioned in the "Background". The citizen complaint also raised issues with RMA and its failure to enforce Tulare County's (County) zoning and ordinance codes.

### **PROCEDURES FOLLOWED**

1. Interviewed relevant personnel
2. Obtained and reviewed relevant documentation
3. One Grand Juror was recused

### **FINDINGS**

1. An Administrative Hearing (hearing) was held on January 21, 2009. The Hearing Administrator found the PO to be in compliance because a Special Use Permit Application (SUPA) was filed prior to notification of the hearing. Fines in excess of \$7,000 were waived and the PO was instructed to pay an Administrative Fee in the amount of \$270. Unfortunately, the Hearing Administrator did not know the SUPA could not be processed because it was incomplete and was therefore invalid. Prior to the hearing the PO was notified the SUPA could not be processed until the application was filled out in its entirety.
2. Between the January hearing and the hearing mentioned below, the PO did not complete the SUPA process.
3. On December 2, 2009 a second hearing was held. The PO was notified of the hearing and failed to appear. It was ruled that the PO was in violation of the following:

- a. Installation of a seatrain without a Building Permit or required inspections
  - b. Operating a trucking business in an AE-10 Zone without a SUP
  - c. Storage of inoperative vehicles and parts stored outside an enclosed building in an AE-10 Zone
  - d. Accumulation of solid waste in an AE-10 Zone
4. Again the PO was assessed an Administrative fee in the amount of \$270. As of November 2010, the PO had not paid the assessment.
  5. Since the December hearing, RMA has failed to bring the PO into compliance.
  6. An employee of RMA questioned the status of this particular PO and was instructed to “**leave it alone**”.

## CONCLUSION

RMA is either unwilling or unable to bring this particular PO into compliance with the zoning laws of Tulare County.

## RECOMMENDATIONS

1. Vacate the January 2009 Administrative Hearing decision and assess the PO with all previously waived fines and fees. In addition to the waived fines and fees, assess the PO all the fines, fees and accumulated interest.
2. Interest charges must be included with all assessed fines and fees.
3. Use all means necessary to bring this PO into compliance, including but not limited to use of the Superior Court.

## RESPONSES REQUIRED

Tulare County Board of Supervisors

Tulare County Chief Administrative Officer

Director, Tulare County Resource Management Agency

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<sup>1</sup> A sea-land cargo container (referred to as a seatrain) is defined as a prefabricated metal structure designed for use as an individual shipping container in accordance with international standards or a metal structure designed and built for use as an enclosed truck trailer in accordance with Department of Transportation standards.  
<<http://www.sonoma-county.org/prmd/docs/policies/9-3-6.pdf>>.

## RESOURCE MANAGEMENT AGENCY PART 1 TULARE COUNTY'S LACK OF CODE ENFORCEMENT

### BACKGROUND

The 2008-2009 Tulare County Grand Jury published a report concerning Tulare County's Code Compliance Division (CCD) of the Resource Management Agency (RMA). At that time a Building and Zoning Inspector was responsible for enforcing the County's Ordinance Codes and the CCD was used as an aid to the Inspector.

The CCD processed all phone and written Ordinance Code complaints and performed the necessary inspections/investigations. In December 2008, there were 1,641 open and active cases. There was approximately \$1.5 million owed to the County for assessed fines, administrative fees, abatement costs, and accrued interest. Some of the fees, fines and interest were waived; however, there is some question remaining regarding the authority to waive fees by staff.

In 2009, the RMA Director claimed the CCD "couldn't pay for itself" and recommended the Tulare County Board of Supervisors (BOS) combine the CCD with the Building Inspection Division. This reorganization eliminated 11 positions; seven of those positions were vacant. It was estimated the County would save \$661,404 during the 2009-2010 fiscal year.

Published reports from several past Tulare County Grand Juries indicated that monies owed for code violations were placed as liens against an owner's property. This appeared to be a common practice as it was easier than trying to collect monies owed. A 2006-2007 Grand Jury Report recommended that clients owing monies be registered with E-OSCAR<sup>1</sup>, a web based data furnisher, who reported delinquent accounts to all the major credit reporting agencies. This would have made it difficult for those seeking financial services.

### REASON FOR INVESTIGATION

The 2010-2011 Tulare County Grand Jury (Grand Jury) decided to investigate and report on the restructured RMA, its ability to investigate code complaints and the collection of fines and/or fees owing for code violations.

### PROCEDURES FOLLOWED

1. Interviewed relevant RMA personnel
2. Obtained and reviewed relevant documents
3. One Grand Juror was recused

## FINDINGS

1. On May 1, 2008, RMA signed a contract with a local collection agency. This contract did not include a time period renewal clause. It did stipulate that a 30-day written notice to terminate services from either party was required.
2. As of March 1, 2011, a written notice of termination had not been served upon either of the contracted parties.
3. Documentation dated September 28, 2010 showed that **in 2008 there were 90 accounts sent to the collection agency.** Value of these accounts was \$580,958.74. Of this amount, \$39,855.15 was collected. Of the 90 accounts opened, 16 were closed (paid in full).
4. Documentation dated September 28, 2010 showed that **in 2009 there were 12 accounts sent to collections** totaling \$67,626.79; \$5,196.97 was collected and one account was closed as paid in full. **There were no accounts sent for collection in 2010.** However, there was \$706.50 collected on an account from a prior year.
5. During an interview with an upper management RMA employee, the following was discovered:
  - a. It was not known how much time was being spent on code compliance issues.
  - b. Complaints were being signed off without looking at the paperwork.
  - c. Informational data, monthly reports, etc. were not requested or given to supervisors.
  - d. At the time of the restructuring, the total amount of monies owed for code violations was not known to this employee.
  - e. As of November 2010, the total balance of monies owed for code violations was not known to this employee.
  - f. Nothing is being done at this time to collect any monies due.
  - g. No consideration has been given to any type of collection method.
  - h. This employee had no knowledge of the contracted collection agency.
  - i. The last Administrative Hearing (Hearing) was held in December 2009.
  - j. Hearings were expected to resume in March 2011; however, a Hearing scheduled for March 3, 2011 was cancelled.
6. **As of November 19, 2010, according to an RMA report, total fines plus interest owed to the County was \$3,058,241.46, administrative fees were \$19,160, and the amount received was \$610,431.54, leaving a balance due of \$2,456,383.77.**
7. As of February 1, 2011, there were seven full time and two part time Zone and Building Inspectors. Not one had specific training for code violations or code compliance.