

This document is an extract of a larger publication.

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Administrative Fees
SCHEDULE OF FEES

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|---|--|
| 1. 30-Day Notice to Abate Violation Fee
(Compliance after 2nd Notice) | \$270.00/ cost recovery fee |
| 2. Notice of Violation and Order to Correct
(Compliance after 3rd notice, but before
Administrative Hearings occurs) | \$765.00/ cost recovery fee |
| 3. Administrative Hearing Fee
(Compliance after hearing,
but before abatement occurs) | \$1,050.00/ cost recovery fee |
| 4. Violation Abatement Fee
(Compliance through abatement by
the County) | 1,050.00/ fee plus
\$45.00/ hour for actual staff time
to abate violation plus contractor costs. |
| 5. Daily fine assessed for every day the
Property is in violation. (Started on
Date that the Notice of Violation and
Order to Correct is mailed) | \$100 per day, per violation. |

Administrative charges for the Resource Management Agency Code Compliance Division were approved by the County of Tulare Board of Supervisors on June 28, 2005 (Resolution 2005-0396), effective August 1, 2005.

In addition to the fees listed above, if building construction or land use changes are initiated prior to obtaining appropriate permits, required fees will be doubled.

FAILURE TO PLAN

BACKGROUND

The Tulare County Planning Commission (Commission) was established by the Board of Supervisors (BOS) in 1949. The Commission is an important advisory agency to assist local government officials in one of their most important functions. As the economic and social landscape of Tulare County becomes more complex, the need for sound, well-considered land-use decision-making becomes ever more critical. Even though not all communities take advantage of their latent planning powers and land-use planning, the process affects the lives of most citizens. A strong and well-trained Commission is invaluable to communities in the orderly development of their land and the achievement of their public and private development goals.

REASONS FOR INVESTIGATION

The 2009 – 2010 Tulare County Grand Jury chose to investigate the Commission due to the concerns of cancelled meetings, lack of quorum and citizens complaints of items not being processed in a timely manner.

PROCEDURES FOLLOWED

1. Attended Planning Commission meetings.
2. Reviewed relevant documents.
3. Interviewed relevant witnesses.

FINDINGS

1. Attendance and punctuality at Commission meetings by some Planning Commissioners has been an ongoing problem and described in the 2002-2003, 2006-2007 and 2007-2008 Grand Jury Final Reports.
2. On August 11, 2009 the BOS appointed an alternate Planning Commissioner.
3. The BOS decided that an alternate Planning Commissioner (an 8th person) would not only assist in solving the problem of not having a quorum but it

would also allow the alternate to fill a vacant position.

4. Data received from the Commission indicates that in 2008 and 2009 there were no meetings canceled due to lack of a quorum.
5. The following is the result of an analysis of the Commission's minutes from July 11, 2008 until July 22, 2009 regarding attendance and punctuality:
 - a. The District One Commissioner attended 25 of 28 meetings.
 - b. The District Two Commissioner attended 21 of 28 meetings and was late twice.
 - c. The District Three Commissioner attended 26 of 28 meetings and was late 14 times from 3 to 57 minutes.
 - d. The District Four Commissioner attended 26 of 28 meetings.
 - e. The District Five Commissioner attended 26 of 28 meetings and was late twice.
 - f. One At-Large Commissioner attended 24 of 28 meetings.
 - g. One At-Large Commissioner attended 13 of 28 meetings and eventually resigned.

6. On several occasions a Commissioner was observed operating a cellular phone during the meeting while business was being conducted.
7. The BOS followed the minimum standards of the Maddy Local Appointive List Act ¹ (Act).
8. In Section 54970 of the Act, the Legislature declared that many opportunities exist for the public to be appointed to local regulatory and advisory boards, commissions and committees. Additionally, the Act declared that the public has traditionally been denied access to information regarding vacancies on these boards, commissions and committees. This denies citizens and interest groups the opportunity to nominate persons to contribute to the efficient and representative policy development and administration in local government.
9. Section 54972 of the Act states that by December 31 of each year the BOS shall prepare a "...list of all regular and ongoing boards, commissions, and committees which are appointed by..." the BOS. This section of the Act also states, "This list shall be known as The Local Appointments List."
10. Section 54972 (a) of the Act states that this list shall contain appointive terms which will expire during the next calendar year, "...with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position."
11. Section 54972 (b) of the Act states the list shall also contain "...all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position."
12. The BOS has what is called the *List of Appointive Offices on Regulatory and Advisory Boards, Commissions and Committees*.
13. Section 54973 of the Act states, "The Local Appointments List shall be made available to members of the public for a reasonable fee which shall not exceed actual cost." It continues by instructing the BOS to appoint the largest public library within its jurisdiction to "...receive a copy of the list".
14. Section 54974 of the Act provides that in situations other than an emergency, the BOS shall post unscheduled vacancies not earlier than 20 days before or not later than 20 days after the vacancy occurs.
15. Section 54974 of the Act also states that unscheduled vacancy notices "...shall be posted in the office of the clerk of the local agency, the library designated pursuant to section 54973, and in other places..."

CONCLUSIONS

The findings revealed no meetings were cancelled due to a lack of a quorum in 2008 and 2009. At a cost of at least \$2,400 a year (which does not include mileage, travel for training and other expenses) the appointment of an alternate Commissioner was unnecessary and fiscally irresponsible.

It appears that not having a sufficient number of people to fill a vacant Commission position may be due to a lack of advertising. The Grand Jury believes there are members of the public, both professional and non-

¹ California Government Code 54970-54974