

TUOLUMNE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

REASON FOR INVESTIGATION

This investigation was both complaint driven and as a follow up on recommendations from previous Civil Grand Juries.

METHODOLOGY

The jury heard a presentation from the Tuolumne County Community Development Department (CDD) on October 14, 2009. A meeting was scheduled, and held, with various staff members of the department January 11, 2010. A second meeting was scheduled, and held, on January 25, 2010. All personnel contacted at CDD were helpful, knowledgeable and forthcoming with the panel members.

NARRATIVE/FACTS

Panel members asked numerous questions during the January 11 meeting. These questions covered such subjects as how permits are numbered, what work requires permits and how permits are issued. Staffing levels were also discussed.

One item of interest that came to light was the fact that some work may be performed on an emergency basis, such as replacing a water heater. The work permit can be requested after the fact in such cases, but must be requested and issued prior to the final inspection.

Homeowners can perform many jobs around their homes themselves, even though such work does require a permit. Such work as installing electrical outlets or replacing plumbing fixtures and lines may be done by the home owner. Certain work in these areas must be performed by contractors licensed to perform this type of work. Examples of this are making a new connection in the circuit breaker panel or connecting to the water main or sewer lines.

Permits are issued and numbered sequentially by date and time of receipt. Before October 1, 2009, each application received a number with the prefix "E" denoting if it was electrical, "M" if it was mechanical, etc., regardless of the job size. After October 1, all applications receive a "B" prefix for building. It should be noted not all permits that have been approved and issued are picked up.

One other interesting fact is that "Mother-In-Law" dwellings are allowed in the county. These are small (850 square feet or less) buildings with heat, lighting and plumbing permitting year round use. This limitation may be increased to 1,250 square feet by the county at a later date.

Based on data presented to panel members, compliance with published department guidelines runs approximately 97% as of March 31, 2009. Later data was not available as of January 25, 2010.

Building codes are on a three (3) year update cycle. The State meets/votes on code changes on July 1. Counties have six (6) months to either accept the changes or ask for additional changes based on regional requirements. If counties do not accept or request changes within this time period, the new code becomes mandatory. Counties may operate outside the official code without Board of Supervisor consent if the department issues an informal notice to the public and to contractors. More significant changes may be adopted with Board of Supervisor approval. Local codes may be more restrictive than State and Federal codes, but can not be less restrictive. Other restrictions apply to construction on Indian land or historical land parcels.

The computer program used to track permits is used by multiple agencies within the county. This allows other agencies to access CDD permits and enter data. Only certain data may be entered or changed by personnel using this system. Just a limited number of people are allowed to make program changes and only in certain areas. Major changes/upgrades must be done by the program vendor and only under contract. (The program underwent a major upgrade in October/November, 2009.)

This program also flags builders with expired licenses at time of application. It does not check if the license will expire during the work period, which is one drawback.

FINDINGS

1. A previous Grand Jury finding was that building inspectors seemed to be interpreting building codes, not just enforcing them. This still seems to be a problem area. All inspectors, not just Tuolumne County inspectors, have areas they look at harder than others. This, in and of itself, is not the problem. The problem is when the inspector asks for things not required by code. If the inspector is questioned on this, it appears future inspections become harder to pass.
2. Computer security is not stressed as strongly as it should be. This is not a major problem at this time as the computer system is an "intranet" system, not an "internet" system. An intranet system is one not connected to the outside world. An internet system is one such as is used by most people to look up movies, check e-mail, and do other on-line transactions.
3. The internal CDD Quarterly Performance Report is based only on the first review of a permit application, not subsequent reviews. For example, a permit application is made on January 1. Depending on the type of work, the first review must be completed not later than January 15. Any recommended changes, additions, etc., must go back to the applicant. The next review must be done within a different time period. This delay does not go into the Quarterly Report.

RECOMMENDATIONS

1. For Finding 1, inspectors must be trained in, and familiar with, all aspects of the building codes. They may have particular areas they look at harder than others. This is to be expected. They may not, and must not, require anything additional to code requirements. With this in mind, inspectors must not hold

builders or home owners to a higher standard just because they, the inspector, have been questioned.

2. If, and when, CDD allows remote access to the data base, computer security must be enhanced. These enhancements must include the following:
 - a. Strong passwords.
 - i. Utilize a combination of capital letters, small letters, numbers and special characters.
 - ii. Require passwords of a minimum of nine (9) characters and a maximum of 17 to 20 (or more) characters.
 - iii. Maximum time between mandatory password changes of not less than 30 days and not more than 180 days.
 - iv. Do not allow multiple password changes within a 24 hour period.
 - v. Give new employees a strong password and require this to be changed at first logon.
 - b. Mandatory password expiration.
 - c. Use password token rings for all personnel authorized remote access privileges when remote access is instituted.
 - d. Remote access would allow field personnel to record information while on site, thus increasing productivity. It would also allow personnel from other departments to access CDD files to see any recorded data on any property in the county.
3. There is no recommendation for Finding 3.