MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA ACTION FORM

DEPARTMENT: County Counsel
BY: Jeffrey G. Green
PHONE: 966-3222

DATE: 12/10/02
AGENDA ITEM NO.: #8

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Discussion and possible action relative to amending Resolution No. 94-27, which established uniform procedures for the submission and consideration of complaints/requests for investigation.

The Board of Supervisors has received concerns from individuals who have been the subject of complaints under this Resolution that object because the complaints have proven frivolous and the Board of Supervisors has no authority under this Resolution to release the name of the complaining party unless the matter goes through a legal process. Staff is recommending discussion as to whether or not the Board desires to amend Resolution No. 94-27 to give the Board the authority to release a complaining party's name after the Board determines that the complaint was frivolous and not filed in good faith.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution No. 94-27 establishing uniform procedures for the submission and consideration of complaints/requests for investigation in January of 1994.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

| COSTS: | SPECIAL INSTRUCTIONS: |
| A. Budgeted current FY | List the attachments and number the pages consecutively: |
| B. Total anticipated costs | |
| C. Required additional funding | |
| D. Internal transfers | |

| SOURCE: | |
| A. Unanticipated revenues | |
| B. Reserve for contingencies | |
| C. Source description: | |
| Balance in Reserve for Contingencies, | |
| if approved: | |

CLERK'S USE ONLY:
Res. No.: 21-202G
Ord. No.: 202G

Vote - Ayes: 5
Noes: 0
Absent: 0
Abstained: 0
Approved: 5
Denied: 0

Minute Order Attached: ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

12-15DSA

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

______ Recommended
______ Not Recommended
______ For Policy Determination
______ Submitted with Comment
______ Returned for Further Action

Comment:

A.O. Initials: [Initials]

Action Form Revised 5/92
MARIPOSA COUNTY RESOLUTION NO. 02-436

A RESOLUTION AMENDING UNIFORM PROCEDURES FOR THE SUBMISSION AND CONSIDERATION OF COMPLAINTS/REQUESTS FOR INVESTIGATION

WHEREAS, the Board of Supervisors desires to amend the uniform procedures for the submission and consideration of complaints/requests for investigation received by the Mariposa County Planning, Building, Health, and Public Works Departments, and

WHEREAS, the Board of Supervisors has considered input from all affected departments in the preparation of complaint procedures,

NOW THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors amends the following procedures for the submission and consideration of complaints/requests for investigation regarding building code, zoning code, public health, wells, septic systems, unsafe housing, encroachment, County roads and other similar issues.

1. All affected departments will use the Uniform County Request for Investigation Form attached hereto as Exhibit A.

2. Affected County Departments shall require the submission of the written form for complaints. This form must be completed by a citizen or a governmental official requesting an investigation. Staff will complete the form on behalf of members of the Board of Supervisors when requested to do so by a Board member. This requirement does not limit or reduce the department’s responsibility to address violations that they became directly aware of based upon observation by staff or other similar means. Verbal complaints may be accepted in such cases where the department determines that an immediate threat to the public health and safety exists. Such circumstances would include unsafe food, failing septic system, hazardous material spill, building in danger of collapse, etc. in which case an inspection will be conducted based upon verbal complaints.

The name of the complaining party when submitted by private citizens shall be kept confidential by the department receiving the complaint. Release of the name of the complaining party shall only occur if required by a court of law or upon order of the Board of Supervisors after determining that the complaint was frivolous and not filed in good faith. The name of the complaining party when made by competing businesses, as determined by the department receiving the complaint, shall be provided to the complainant upon request. Complaints made by a County official or County employee acting in their capacity shall be provided to the complainant.

3. Each department shall adopt written policies regarding the handling of complaints and violations. These policies shall be consistent with the Board direction contained herein. The policies shall be made available to any interested party upon request.
PASSED AND ADOPTED this 10th day of December, 2002 by the Mariposa County Board of Supervisors by the following vote:

AYES: Balmain, Stewart, Parker, and Pickard
NOES: None
ABSTAINED: None
EXCUSED: Reilly

[Signature]
ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Signature]
MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
JEFFREY G. GREEN
County Counsel
MARIPOSA COUNTY
REQUEST FOR INVESTIGATION

This form is to be utilized when a citizen is requesting that a County Department investigate a possible violation of a County law or other health and safety related problem.

This form is confidential if submitted by a private citizen in accordance with County policy. However, the form must be released if required by a court of law. Forms submitted by competing business entities, as determined by the affected department head, will be made available to the complainee at their request.

Case Number
Dept. Year Number

Complainant Information - (Person Completing This Form)

Name

Mailing Address
Phone Number
Do you wish to be contacted with the results of this investigation? yes no
If this complaint is being filed against a business, are you an owner or employee of a competing business? yes no not applicable

I certify that the information provided on this form is true and correct to the best of my knowledge.

Signature
Today's Date

Note: A competing business is a business that provides a similar service or manufactures or sells similar products as determined by the department head of the department receiving the complaint.

Description of Violation/Problem

Street Address of Violation
APN #

Property Owner-If Known

Nature of violation or problem (please be as specific as possible)


EXHIBIT A
Driving directions to violation site from State Highway or Major County Road


Staff Person Assigned

Date of Inspection

Investigation Findings:


Action Taken:


Affiliated Files:


Case Closed As: [ ] Unsubstantiated [ ] Abated [ ] Referred to Appropriate Department

Follow-Up:

Other Affected Departments Notified: (circle)

Planning  Building  Health  Public Works  Sheriff  Child Protective Services

Letters sent to property owner

date  date  date

Complainant notified of action

date  date  date

indicate if by telephone or letter

Notes


MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Amending Resolution 94-27 – Uniform Procedures for Complaints/Requests for Investigations
Resolution No. 02-436

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 10, 2002

ACTION AND VOTE:

Discussion and Possible Action Relative to Amending Resolution No. 94-27, Which Established Uniform Procedures for the Submission and Consideration of Complaints/Requests for Investigations (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel, and he advised of a correction to the draft resolution. (M)Balmain, (S)Pickard, Res. 02-436 was adopted amending Resolution No. 94-27, with the correction/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Jeff Green advised that he will come back with a recommended process.

cc: Eric Toll, Planning Director
John Davis, Building Department Director
Dr. Mosher, Health Officer
Jim Petropulos, Public Works Director
File