DEPARTMENT: Planning and Building  BY: Tony Lashbrook  PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item:  Yes__  No_X__)

Adoption of resolution establishing uniform procedures for the submission and consideration of complaints/requests for investigation by the Planning/Building, Health and Public Works Departments. This resolution finalizes the Board’s action of 12/21/93.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board requested analysis of complaint process in September, 1993. Board considered recommendations and provided direction to staff to finalize procedures on 12/21/93.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Take no action - No Countywide policy would be established.
2. Adopt resolution establishing uniform policy as contained in the attached.
3. Adopt resolution establishing uniform policy different from the attached.

COSTS:  (X) Not Applicable
A. Budgeted current FY $______
B. Total anticipated costs $______
C. Required additional funding $______
D. Internal transfers $______

SOURCE:  ( ) 4/5ths Vote Required
A. Unanticipated revenues $______
B. Reserve for contingencies $______
C. Source description: Balance in Reserve for Contingencies, if approved: $______

SPECIAL INSTRUCTIONS:  List the attachments and number the pages consecutively:
1. Resolution

2. Complaint Form

CLERK’S USE ONLY:
Res. No.: 94-27  Ord. No.  ________
Vote - Ayes:  ________  Noes:  ________
Absent:  ________  Abstained:  ________
Approved:  ________  Denied:  ________
No 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

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:  
\checkmark  Recommended
\_\_\_\_\_  Not Recommended
\_\_\_\_\_  For Policy Determination
\_\_\_\_\_  Submitted with Comment
\_\_\_\_\_  Returned for Further Action

Comment:  ________
A.O. Initials:  ________

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DUANE HALL, PLANNING DIVISION
    JOHN DAVIS, BUILDING DIVISION
    DR. MOSHER, COUNTY HEALTH OFFICER
    MIKE EDWARDS, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERk OF THE BOARD

SUBJECT: COMPLAINT PROCESS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 25, 1994

ACTION AND VOTE:

9:40 a.m. Tony Lashbrook, Planning and Building Director;
        A) Resolution Establishing Uniform Procedures for the
           Submission and Consideration of Complaints/Requests for
           Investigations by the Planning/Building, Health and Public
           Works Departments
           BOARD ACTION: Discussion was held. (M)Erickson,
           (S)Balmain, to approve the procedures was withdrawn by
           maker, as amendment to direct that if a complaint is filed
           through the public process by someone working on behalf of
           the County, the person would have the right to know who
           filed the complaint, was not agreeable with the second.
           (M)Parker, (S)Balmain, to adopt Res. 94-27 which
           establishes procedures was amended following withdrawal of
           second by Supervisor Balmain, and addition of second to
           motion by Supervisor Erickson. Motion was amended,
           agreeable with maker and second, directing that if a
           complaint is filed through the public process (by anyone who
           works on behalf of the County), the person has a right to
           know who complained and will receive a copy of the
           complaint/Ayes: Baggett, Erickson, Parker; Noes: Balmain,
           Taber.

cc: Jeff Green, County Counsel
    Mike Coffield, County Administrative Officer
    File
MARIPosa COUNTY RESOLUTION NO. 94-27

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

WHEREAS, the Board of Supervisors desires to establish uniform procedures for the submission and consideration of complaints/requests for investigation received by the Mariposa County Planning and 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 establishes 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.

Complaints submitted by private citizens shall be kept confidential by the department receiving the complaint. Release of the complaint shall only occur if required by a court of law. Complaints made by competing businesses, as determined by the department receiving the complaint, shall be provided to the complainant upon their 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 25th day of January, 1994 by the Mariposa County Board of Supervisors by the following vote:

AYES: Baggett, Erickson, Parker
NOES: Balmain, Taber
ABSTAINED: None
EXCUSED: None

ARTHUR G. BAGGETT, JR., Chairman
Mariposa County Board of Supervisors

MARGIE WILLIAMS, Clerk of the Board
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Jeffrey 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 complainant at their request.

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)

__________________________________________

__________________________________________

__________________________________________

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

________________________________________________________________________

________________________________________________________________________

For Staff Use Only

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: ___________________________

Planning  Building  Health  Public Works  Sheriff  Child Protective Services

Letters sent to property owner

Other (circle)

Letters sent to property owner

date  date  date

Complainant notified of action

indicate if by telephone or letter

date  date  date

Notes

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________