

2015-2016 GRAND JURY REPORT

Riverside County Code Enforcement Department

Background

Code Enforcement is a division within the Transportation and Land Management Agency (TLMA). The stated mission of Code Enforcement is to enhance public safety and the quality of life in partnership with communities through fair enforcement of laws and codes. The department utilizes County of Riverside Ordinances as the basis for verifying compliance and issuing citations. The Code Enforcement Department maintains seven district offices located in Mead Valley, Riverside, Perris, French Valley, Palm Desert, San Jacinto, and an administrative office in Riverside.

Code Enforcement is responsible for enforcing state laws and over 15 Riverside County Ordinances in the unincorporated areas of Riverside County and the City of Perris by contract. Common code issues include dangerous or substandard buildings, open excavations, unpermitted businesses, zoning violations, construction or grading without permits, inoperative or abandoned vehicles, and excessive outside storage.

Code Enforcement works hand in hand with other county departments and agencies including Animal Services, Environmental Health, Fire, Sheriff, and the District Attorney.

Voluntary compliance is the main focus and goal of Code Enforcement. Should that fail to occur, a Code Enforcement Officer (CEO) may issue citations or seek other administrative fines as well as criminal penalties in some cases.¹

Code Enforcement is a public protection function partially supported through the General Fund. In the proposed 2015/2016 budget, the department projected a total budget of \$13,642,459, comprised of \$4,283,190 from code enforcement collections and grants and \$9,359,269 from General Fund support. Code Enforcement operates with 30 Code Enforcement Officers, 10 Senior Code Enforcement Officers, 7 Supervising Code Enforcement Officers, and 12 Code Enforcement Aides and Technicians.² Code Enforcement Administration in the County Administrative Center is staffed by 1 Code Official, 1 Division Manager, 1 Supervising Code Enforcement Officer, 2 Senior Code Enforcement Officers, 2 Code Enforcement Officers, 2 Aides, 2 Technicians, and 1 Executive Assistant.

¹ Excerpts taken from executive summary, "Internal Audit Report 2014-009 Code Enforcement" Auditor Controller Office.

² The listed field Code Enforcement personnel include one Supervising Code Enforcement Officer and four Code Enforcement Officers who are fully funded by a Waste Tire Abatement Grant administered by CalRecycle.

Methodology

Evidence for this report was obtained through the review of documents and testimony of officials and employees of Riverside County Code Enforcement Department and others. The Methodology included the following:

- Conducted numerous interviews with complaining party, several of them under oath
- Conducted 12 interviews, 11 under oath, with Code Enforcement personnel including Code Enforcement Officers, Senior Code Enforcement Officers, Supervising Code Enforcement Officers, Code Enforcement Division Manager, Code Enforcement Official current and retired, and the Director of TLMA, the parent agency of Code Enforcement. For 10 of these interviews, a Deputy County Counsel was present
- Interview with San Bernardino County Code Official non-sworn
- Attended a Code Enforcement administrative hearing on December 3, 2015, at the County Administrative Center wherein the hearing officer heard four separate cases involving abatement costs and fines owed by property owners. Observed testimony under oath given by Code Enforcement Officers, 8 property owners, and/or citizen witnesses
- Conducted interview with private attorney specializing in defense of Code Enforcement matters throughout the Inland Empire (Prior background as Deputy City Attorney who prosecuted Code Enforcement cases) – non-sworn
- Reviewed 9 complete files of Code Enforcement cases provided by Code Enforcement Division Manager in response to a subpoena
- Reviewed Riverside County Code Enforcement Policies and Procedures manual, revised 09/2014
- Reviewed Riverside City Code Enforcement Operations Manual
- Reviewed schedules of 8 public hearings for 09/03/2015 through 03/24/2016 for Administrative Hearing(s) Re: Land Use Violation(s) and Abatement of Public Nuisance (Riverside County Ordinance No 725(6)(d))
- Reviewed Riverside County Ordinance No. 725 §15 Regarding Special Assessment and Lien procedures

- Reviewed Riverside County Ordinance 725, An Ordinance of the County of Riverside Establishing Procedures and Penalties for Violations of Riverside County Ordinances and Providing for Reasonable Costs Related to Enforcement
- Reviewed numerous emails sent between various Code Enforcement personnel involved in aspects of this investigation
- Reviewed numerous Statements of Abatement Costs (SOAC) issued by Code Enforcement listing the labor charges and fines owed to the County by property owners
- Reviewed County of Riverside, California Board of Supervisors Policy F-6, Grading Without a Permit
- Reviewed County of Riverside, California Board of Supervisors Policy A-56, Standards and Procedures for Public Complaints and Inquires
- Reviewed California Labor Code §1102.5 regarding whistleblower protection in the workplace
- Reviewed County of Riverside, California Board of Supervisors Policy Number C-25: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure
- Reviewed County of Riverside, California Board of Supervisors Policy Number C-35: Standards of Ethical Conduct to Address Fraud, Waste, and Abuse
- Reviewed California Penal Code §136.1 specifying the punishment for the public offense of knowingly and maliciously attempting to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law
- Reviewed Third District Code Enforcement Winery Matrix listing 10 Code Enforcement cases involving various wineries, revised 09/24/2010
- Reviewed First District Code Enforcement Matrix listing 34 Code Enforcement cases within that district, revised 02/10/2016
- Reviewed Code Enforcement Policy – Business Practice 1.1, Cost Recovery Tier System

- Reviewed Code Enforcement Policy 4.9.1 Policy – Procedures for closing cases
- Reviewed County of Riverside, California Board of Supervisors Policy Number F-5: Code Enforcement – Enforcement Strategies
- Reviewed Submittal to the Board of Supervisors County of Riverside, State of California, From: County Auditor-Controller; Subject: Internal Audit Report 2010-018: Transportation and Land Management Agency (TLMA), Code Enforcement Department, Submitted October 27, 2010
- Reviewed Submittal to the Board of Supervisors County of Riverside, State of California, From: County Auditor-Controller; Subject: Internal Audit Report 2012-304: Transportation and Land Management Agency, Code Enforcement Department, Follow-up, Submitted September 10, 2012
- Reviewed revised (August 2015) SOAC Invoice Example provided by Code Enforcement Division Manager
- Reviewed California Government Code §25845 authorizing nuisance abatement and cost recovery

Findings

LENGTH OF TIME TO RESOLVE CODE ENFORCEMENT CASES

2010 - Audit by Riverside County Auditor-Controller Office

The Riverside County Auditor-Controller conducted an internal audit of the Code Enforcement Department, resulting in a report that was submitted to the Riverside County Board of Supervisors. Finding 1 of that report was that “Cases are not processed in a timely manner” resulting in a backlog of billable cases that represented \$618,635 in unclaimed revenue due Riverside County. The finding also stated that “On average 416 days (this number includes the ninety days allowed by Ordinance 725) elapses after the Board of Supervisors’ decision to abate before the abatement process is complete.” Code Enforcement management partially concurred with this finding, acknowledging that a backlog of billable cases existed. Management did not concur with the portion of the finding that excessive time existed before abatement actions commence stating that the process is not entirely within the Department’s control due to the constraints of local ordinances and State law.

Audit follow-up In 2012, the Riverside County Auditor-Controller Office conducted a follow-up to its 2010 audit and report. The follow-up report reiterated Finding 1 as described above. The follow-up audit found that the Department had partially implemented the Auditor-Controller's recommendations from 2010. The Auditor-Controller said they would verify full implementation of the recommendations during a desk review within six months. This desk review was never conducted.

Administrative Hearings Either Attended or Reviewed During the investigation of practices of the Code Enforcement Department, several Grand Jury members attended a public administrative hearing on December 3, 2015. What intrigued the Grand Jury was the length of time most of those cases had been in progress without resolution. All witnesses testified that they had made numerous attempts to contact the CEO handling their cases but their calls were not returned.

One 2 ½ year old case heard by the hearing officer on December 3, 2015, that piqued the Grand Jury's interest resulted in the exoneration of the property owner for the original violation of grading without a permit. During the hearing, the property owner and the tenant testified under oath. The Grand Jury subsequently subpoenaed and received that full case file from Code Enforcement and also interviewed the responsible CEO under oath.

The grading without a permit case started with a complaint on July 10, 2013, and was assigned to a CEO the same day. Approximately three months later, the CEO made his initial inspection of the property. He did not make contact with the property occupant but estimated the size of the grading from a distance while standing outside the property perimeter. The CEO posted a Notice of Violation four days later. The CEO spoke on the phone with the occupant a week later and, per the resident's sworn testimony, he told the CEO that the grading was actually emergency brush clearance on orders of Cal Fire because of a wildfire that was burning just over the hill from the property. The next action taken by Code Enforcement was seven months later when the CEO again visited the property and issued an administrative citation without contacting the resident. The CEO returned three months later to issue another administrative citation, again without contacting the resident. Another two-month gap ensued until the CEO's next entry on the case, where he closed the case file as "compliance." Another nine months passed before the property owner was sent a SOAC showing that he owed \$1,872 in labor charges for Code Enforcement's involvement.

The CEO who handled the case told the Grand Jury that the length of time he spent on the case was not unusual due to the excessive caseloads assigned to the CEOs. He told us that he self-scheduled and was free to work on cases when he wanted. This CEO, and other CEOs interviewed, said that they work at their own pace with little or no oversight by line supervisors. The CEO was

asked what steps must be taken in a grading without a permit case and in what timeframe. He responded that he was not aware of any policy or procedure that specified that information. However, the Board of Supervisors Policy F-6, Grading Without a Permit, specifies each successive step of the process with specific time intervals between steps. Conservatively, such violations should be resolved within 12 months if Policy F-6 is followed.

Subsequent to the hearing, the Grand Jury requested and subpoenaed case files and hearing records as part of the investigation. A review of 8 separate administrative hearing agendas showed that, on average, the 156 cases under review took 4.3 years from initiating the investigation through the administrative hearing. In many cases, no fees or fines had been paid prior to the hearing, confirming the concern of the Auditor-Controller in the 2010 report that there was a backlog of billable cases that had not been collected by the county.

Expert Witnesses For a similar county comparison, the Grand Jury also interviewed two expert witnesses, the San Bernardino County Code Official and an attorney who specializes in defending property owners in code enforcement cases. This attorney previously worked for the city attorneys in San Bernardino and Redlands, prosecuting code enforcement cases. The Grand Jury asked both of these witnesses how long a typical code enforcement case should take, start to finish. Both answered that the time varied according to the complexity of the case, the cooperation of the property owner, and other variables. However, both said that code enforcement cases in their jurisdictions, on average, were concluded within a year. The Grand Jury also asked the recently retired Riverside County Code Official about his prior experience with Hemet Code Enforcement Department prior to joining Riverside County. He said that their cases were usually resolved within 6-12 months. Like San Bernardino County Code Enforcement, Hemet filed the non-compliance cases with the court to resolve as misdemeanors, thereby expediting the time frames and gaining better compliance from violators. When we asked the retired Code Official why Riverside County did not use this same method here, he stated, "I have no idea!"

1. Riverside County Code Enforcement cases take an inordinate length of time to resolve. The multi-year time frames typical to conclude code enforcement cases adversely affect the citizens of Riverside County who rely on Code Enforcement to timely correct offensive and dangerous property problems in their neighborhoods and commercial districts. As pointed out in two successive audits by the Riverside County Auditor-Controller's office, the long delays also prevent Riverside County from timely collecting outstanding fines and fees. Investigations extended without legitimate cause ultimately result in unreasonable cost recovery charges being assessed to property owners. Testimony by line supervisors revealed the fact that they also carried an enforcement caseload, which inhibits their supervisory obligations.

INABILITY TO HAVE ERRONEOUS FINES REFUNDED

The grading-without-a-permit hearing that Grand Jury members observed, as mentioned above, had an anomaly. The property owner received an SOAC showing that he owed \$1,872 in labor charges for Code Enforcement's involvement. Those charges were removed when the Hearing Officer determined that no permit was required for the emergency brush clearance. However, there was no procedure in place for the property owner to be reimbursed \$300 in administrative citation fines he paid during the 2 ½-year investigation. The property owner asked the Hearing Officer about refunding the fines, and he was told that the Hearing Officer had no authority to refund fines. The Hearing Officer then told the property owner, "If I were you, I would be writing a nasty letter to someone." The Grand Jury subsequently interviewed Riverside County Code Enforcement administrative personnel at the supervisor, manager, and code official levels and they confirmed that there is no policy or procedure in place for returning erroneously-charged fines to exonerated property owners. Both expert witnesses interviewed stated that their jurisdictions' code enforcement departments always refund fines under these circumstances because "it was the right thing to do."

2. There is no policy or procedure in place to return fines previously paid when a property owner is exonerated of any violation of county ordinances.

BARRIERS TO CITIZEN COMPLAINTS REGARDING CODE ENFORCEMENT PERSONNEL

The Riverside County Board of Supervisors recognizes the value of comments and complaints from the public for the improvement of public services to County residents. To this end, the Board established County of Riverside, California Board of Supervisors policy number A-56: Standards and Procedures for Public Complaints and Inquiries. Among the provisions of this policy are the following:

- County employees are to respond within 72 hours to complaints and inquiries from the public
- The person making the complaint or inquiry should be told how long it would take to resolve the issues
- In each department, complaints and inquiries must be logged when they are received. Departments will maintain a log that includes a case number, the name of the person making the complaint or inquiry, the date and time it was received, the date and time of the initial follow-up contact, and the resolution. Logs should be maintained for a minimum of one year

- If the complaining party is dissatisfied with the resolution, department logs must briefly explain why a complaint or inquiry could not be resolved to the person's satisfaction

It came to the Grand Jury's attention that the above Board of Supervisors' policy is not being followed when it was learned that a Code Enforcement Officer was subjected to an administrative investigation and potential discipline for documenting a citizen's personnel complaint. The Grand Jury conducted a thorough inspection of the "Code Enforcement Policies and Procedures" manual. Nothing was found relating to accepting or investigating complaints or inquiries from the public. The only policy pertaining to input from the public was policy number 1.1.1, Customer Satisfaction Surveys that complies with Board Policy A-49, Customer Satisfaction Performance Policy. Attached to the policy was a brochure titled How Are We Doing, which is not a complaint form. No Code Enforcement policy that complies with the mandates of Board Policy A-56 was found.

During sworn interviews, supervisorial and administrative Code Enforcement officials told us there is no policy in that department regarding the acceptance, logging, review, investigation, or resolution of inquiries and complaints from the public. No complaint/inquiry form exists. Some witnesses said that a complaining citizen would be referred to the field supervisor of the employee; however, nothing is in place to ensure that the matter would be documented or properly handled. Also, no records are kept to enable department managers to track the number and type of complaints in a certain district or against a particular employee.

3. Code Enforcement has no policy, procedure, complaint forms, complaint logs, or anything else to enable that department to follow the directives of Board Policy Number A-56 to adequately address citizen complaints and inquiries.

PERCEPTION OF INTERFERENCE BY BOARD OF SUPERVISORS IN CODE CASES

The Board of Supervisors is the governing body of the County, certain special districts and the Housing Authority. The Board enacts ordinances and resolutions, adopts the annual budget, approves contracts, appropriates funds, determines land use zoning for the unincorporated area, and appoints certain County officers and members of various boards and commissions³. The Board consists of five Supervisors elected to four-year terms by the citizens of Riverside County within each district. Each Supervisor represents a district of approximately 450,000 people.

³ County of Riverside Internet web page
<http://www.countyofriverside.us/AbouttheCounty/BoardofSupervisors.aspx>

Code Enforcement operates in the unincorporated area of each supervisorial district, and the City of Perris (under contract), responding to violations of County ordinances that are either reported by residents or discovered by Code Enforcement Officers. Once a Code Enforcement case is initiated, it is normally worked to correct all noted violations of County codes and ordinances. This would normally be accomplished in a relatively short amount of time. However, external influences affect the delays and ultimate outcomes of some Code cases.

Several Code Enforcement administrators, supervisors, and line staff interviewed under oath said that County Supervisors and their staff have interjected themselves into active Code cases, causing delays and sometimes abandonment of those cases. For example, a property owner who has been given a Notice of Violation by a Code Enforcement Officer might contact his or her district Supervisor about the violation. It is reasonable for the Supervisor or his staff to get information about the ordinance violation in order to assist the constituent with the issue. However, Code personnel at all levels have perceived subsequent contact by the Supervisor's office as interfering with the Code case. According to testimony, the interference has ranged from asking Code Enforcement to extend the deadlines for property owners to comply with abatement orders to issuing a "stand down" order on selective enforcement actions. Two Code Enforcement employees testified that they had participated in meetings with the Temecula wine country Supervisor/staff where a Third District Code Enforcement Winery Matrix was provided to the Supervisor at his request. A copy of a matrix from 09/24/2010 listed Code cases by number, name, parcel number, violation, and comments. Witnesses stated that Code Enforcement was given the "go ahead" or "stand down" by the Supervisor/staff regarding 10 wine country cases on that particular matrix. Similar meetings were held every month with updated matrixes for an unknown period of time. The Supervising Code Enforcement Officer, who also attended these meetings, enforced the decisions. Witnesses told us that such matrixes were prepared only for the wealthy winery area of the County.

Testimony from other witnesses confirmed that the Board of Supervisors and/or its staff had interfered with or hindered some Code Enforcement cases, and this is currently an ongoing issue and concern, prolonging them unnecessarily. In fact, when the Grand Jury asked the retired Code Official about such political interference, he said that he could recall "a handful" of instances that had happened during his tenure as Code Official (3 years.) A Supervising CEO and a Senior CEO testified that Code Enforcement has been advised by Supervisorial staff to suspend ordinance violation citations in selective cases. County of Riverside Code Enforcement Department Policy 1.1 outlines Professional Conduct/Code of Ethics for Code Enforcement. Article VI of that code states, "Staff will not permit personal feelings, prejudices nor influences (political or otherwise) to interfere, prohibit or delay the process of enforcement."

4. Interference by the County Board of Supervisors in Code Enforcement cases adversely affects personnel throughout the Department. It is difficult to determine how much of the Supervisors' involvement coincides with their mandate to represent constituents in their districts and how much may be improper patronage. Regardless, interference affects the morale and alters the chain of command of the Code Enforcement Department, as stated by several witnesses.

UNSUPPORTED BILLING IN CODE ENFORCEMENT CASES

In 1993, empowered by California Government Code §25845, the Riverside County Board of Supervisors created Ordinance 725 establishing procedures and penalties for violations of Riverside County ordinances and for recovering reasonable costs related to enforcement. Section 7 of the ordinance states: "All abatement costs, administrative costs and related penalties or assessments in any enforcement action to abate public nuisances as stated shall be recovered."

In the projected fiscal year 2015/16 budget, the Code Enforcement Department budget shows that 30% of its total expenditures were to be covered by fines and labor charges paid by property owners.

Code Enforcement keeps track of the amount of time its personnel spends working on violations of County ordinances and then charges property owners for the time spent, according to the weighted cost of the personnel involved. For example, a Code Enforcement Officer III is rated at \$109 per hour, including pay, benefits, and overhead. Some activities of Code Enforcement Officers are directly billable to the property owner in question and other activities are deemed "non-billable." According to County of Riverside Code Enforcement Department Policy 4.9.1, all closed cases are audited to determine if they are billable or non-billable. Non-billable cases include unfounded complaints, wrong lot or assessor parcel number, or the property owner complied within 30 days. Non-billable cases are archived without charging the property owner.

Along with cases that are totally non-billable, specific actions of Code Enforcement Officers are not billable. For example, contact and conversations with complaining neighbors is not billable to the property owner. Also, any labor billing must be supported by an action entry in the CEO's report. The Grand Jury learned when attending the Code Enforcement cost recovery administrative hearing that billing errors are not unusual. The Hearing Officer had to adjust several fine amounts due to the CEO's errors on the citations. A property owner had been billed not only for the CEO's actions on a certain date, but also for the cost of a trainee who was accompanying the CEO that day. As already mentioned, a 2 ½-year case was dismissed when the Hearing Officer determined that no violation had existed. Other cases reviewed showed double billing for the same reported action, non-owners being fined and charged for violations, and a

property owner being charged twice for a single structure that spanned two adjacent properties.

Sworn testimony and subpoenaed records showed that unsupported billing and other errors are rife in the Statements of Abatement Costs (SOAC) that are sent as billing invoices to property owners involved in Code Enforcement cases. Numerous witnesses told the Grand Jury that actions taken by field CEOs, and reports subsequently written by those officers, are not overseen or reviewed for errors by the Supervising Code Enforcement Officers assigned to each District Office prior to being sent to Code Enforcement Administration for billing.

5. Unsupported and inaccurate billing of property owners by Code Enforcement is common, causing either overbilling or under billing of fines and labor charges assessed as part of cost recovery directed in Ordinance 725. Code Enforcement Management is not catching and correcting these errors but is processing the billing regardless of errors.

DISPARATE TREATMENT OF GRAND JURY COMPLAINANTS

Riverside County Code Enforcement should always strive to provide the public with exemplary service to improve the quality of life through honor, integrity, truthfulness, and fairness⁴. Government agencies should always strive to serve the public with the highest level of competency and respect. To ensure outstanding public service, various statutes have been enacted to promote transparency within government and to encourage open employee-employer communication while protecting those who serve notice of fraud, waste, and abuse. To this end, the County of Riverside established the following:

County of Riverside Board of Supervisors Policy Number C-35, Standards of Ethical Conduct to Address Fraud, Waste and Abuse, states in part that the County of Riverside Board of Supervisors believes that the ethical conduct of those in public service is of utmost importance. The policy was set forth to address fraud, waste, and abuse in county government and establish reasonable standards of ethical conduct for all county employees and officers. This policy mandates that it is the responsibility and duty of every employee to identify, report, and work to eliminate fraud, waste, and abuse at all levels of the county administration and operations. To encourage such reporting, the policy directs that employees are prohibited from attempting to identify or intentionally exposing the identity of any party making an anonymous report or complaint pursuant to the policy⁵.

⁴ County of Riverside Code Enforcement Department Policy 1.1.

⁵ County of Riverside California Board of Supervisors Policy Number C-35, "Standards of Ethical Conduct to Address Fraud, Waste and Abuse," (4)(l & n)

The purpose of County of Riverside Board of Supervisors Policy Number C-25, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure is to protect the right of employees to be free from unlawful discrimination, harassment, and retaliation, and to set forth a procedure for promptly investigating and taking appropriate action in dealing with internal complaints of unlawful discrimination, harassment, and retaliation. All county employees are required to attend Employee Harassment Prevention Training every two to four years, depending on supervisory status ⁶. Also, the State of California established the following:

California Penal Code §136.1 states that any person who knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized under law is guilty of a public offense and shall be punished by imprisonment in a county jail for not more than one year or in the state prison ⁷.

These statutes emphasize the importance of ethics and transparency in government and the freedom of witnesses to give testimony without fear of reprisal. Riverside County has the above policies in place to guarantee employees a retribution-free avenue for reporting waste, fraud, or abuse. However, during the investigation, the Grand Jury found at least one failure to abide by these rules.

The 2015-2016 Grand Jury received a complaint from a county employee about problems within the Code Enforcement Department. The complainant chose not to remain anonymous but rather told the complainant's supervisor, manager, and the Code Official that the complainant had filed a Grand Jury complaint about wrongdoing in Code Enforcement. It is important to note that prior to filing a complaint with the Grand Jury, this employee brought these problems to the attention of the employee's chain of command and later filed a C-35 complaint. According to the complainant, the issues brought to management's attention were not corrected. However, the employee experienced negative work environment consequences for adhering to policy.

The Grand Jury conducted several in-person and telephone interviews on numerous issues with the complainant. In one interview, the complainant advised the Grand Jury that, on 02/26/2016, the complainant's supervisor sent an email directing the complainant to use accrued leave (vacation) time for all future Grand Jury appointments.

⁶ County of Riverside California Board of Supervisors Policy Number C-25, "Non-Discrimination and Anti-Harassment Policy and Complaint Procedure."

⁷ California Penal Code §136.1(a)(2)

It should be noted that the Grand Jury had previously subpoenaed the complainant, who was placed under oath for testimony. By law, subsequent interviews were also under oath. When we interviewed other Code Enforcement and TLMA personnel, also under oath, we asked them whether they were appearing on county time or if they had been directed to take vacation time. All witnesses testified they were using county time for their testimony since the matter involved county business. Members of the complainant's direct chain of command acknowledged that the complainant had, in fact, been directed to use vacation time for Grand Jury appearances "because this employee had filed the initial complaint, making it personal business rather than county business." These witnesses admitted they did not know the content of the complainant's testimony nor the nature of the Grand Jury complaint. The Grand Jury asked these witnesses a hypothetical question: If one of their employees filed a C-35 or C-25 complaint and the person was called in for an interview by Human Resources, would they consider that county time? They all answered they would consider that to be county time. They could not explain why an appearance before the Grand Jury would be treated differently than an appearance at Human Resources.

6. The complaining employee in this matter was treated differently than all other county employee witnesses. This gives the appearance that complaints to the Grand Jury carry less importance or validity than other complaints made under County Policies C-35 and C-25. The complainant also told the Grand Jury that, since the complainant was ordered to use vacation time for appearances, it appeared that supervisors and upper management were trying to dissuade the complainant from giving testimony at a proceeding authorized by law, in violation of Penal Code §136.1(a)(2).

Recommendations

Riverside County Code Enforcement Department Riverside County Board of Supervisors

1. Riverside County Code Enforcement review its procedures and practices with the intention of reducing time spent resolving code and ordinance violations to an average of 12 to 18 months. Crucial to this end is improved communication, with the public and better oversight of CEO's caseloads by Supervising and Senior CEOs. Supervisors be relieved of heavy caseloads so they can properly supervise the activities of field staff. Decision-makers also seriously consider options such as court resolution of cases that have been used successfully by other jurisdictions.

2. Riverside County Code Enforcement should amend its policies and procedures manual to provide for refunding fines and fees to property owners when Code Enforcement discovers that an error has been made and the property owner is exonerated of the violations alleged in the case. If doubt exists as to the property owner's guilt or innocence, the matter should be reviewed by the County Hearing Officer for a decision. The Hearing Officer has the delegated authority and powers of the Board of Supervisors to conduct Administrative Hearings⁸. The Hearing Officer should also be given authority to order the refund of administrative fines when property owners are exonerated.
3. Code Enforcement take immediate steps to comply with all directives and provisions of Board Policy Number A-56 and amend the Code Enforcement Policies and Procedures manual appropriately. Create a citizen complaint form with copies available to the public at District Offices, the Administrative Office, and on the department website.
4. To ensure fairness to all residents, prevent accusations of favoritism, and to improve employee morale, the relationship between the Board of Supervisors and Code Enforcement should be kept at arm's length as far as enforcement of county ordinances is concerned. County Supervisors will, of course, listen to their constituents' complaints and concerns regarding Code Enforcement, but should then either direct those constituents to the Code Official or have the Code Official contact and assist the constituents toward compliance and cooperation.
5. The responsibility for errors on Code cases primarily rests with the CEO handling the case. However, every action on every field report should be reviewed by the Supervising Code Enforcement Officer overseeing the CEO.

The Code Official and upper management should eliminate unsupported billing and other errors for the benefit of the residents of Riverside County. Errors need to be caught and corrected early at the field level. Supervising Code Enforcement Officers in each District should be required to oversee the daily activities of their CEOs for compliance with policies and laws. Code supervisors should also be required to review and approve all reports written by their CEOs before they are sent to Code Enforcement Administration for billing.

⁸ "Ordinance No. 725 An Ordinance of the County of Riverside Establishing Procedures and Penalties for Violations of Riverside County Ordinances and Providing for Reasonable Costs Related to Enforcement," §10(b)(2).

6. Appropriate steps should be taken to prevent disparate and unlawful treatment of county employees who file complaints with the Riverside County Civil Grand Jury. Board policies C-35 and C-25 make it clear that retribution against whistleblowers will not be tolerated. That resolve to be strengthened and expanded to include retaliation against whistleblowers who complain to the Grand Jury.

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