

Development Services: Environmental Health Division, Building Department, and Planning Department

Development Services is an umbrella term used by Mariposa County to refer to the combination of the Building Department, Planning Department, and the Environmental Health Division. The primary focus for Development Services is to assist in all phases of development-related projects through enforcement of County and State regulations, processing applications, and assisting with questions or concerns in all formats. Aside from the name “Development Services” on the building where Building, Planning and Environmental Health exist, and a webpage on the County website, Development Services only exists as an umbrella term for all development work in the county. Development Services does not formally exist on an organizational chart or have its own budget.

Underneath this umbrella, lies the Building Department, the Planning Department and Environmental Health Division. Each of these entities has its own budget. The Building and Planning Departments are managed by a director. Environmental Health is a division and is led by a manager. The budgets for Planning and Building are managed and directed by the appointed directors. Environmental Health has a budget that is managed by the Health Services Division under Health and Human Services Agency.

Each of these entities have had staff shortages, management changes and budget concerns in the last two years, affecting their work and the ability to meet the needs of the County. While the work of each entity is specific, there is great overlap in their functions. Often there is need for interdepartmental communication and coordination with other entities like CalFire, Law Enforcement, Department of Public Works, and the Mariposa Public Utility District.

Environmental Health is a division that is led by a manager. Although this unit is led by a “manager” versus a “director” like in the Building and Planning Departments, the job description begins with, “The Environmental Health Manager shall work as director.” It is believed that this wording is specific to allow designated managers the ability to join a statewide consortium of environmental health specialists that require the title of “director” to join. Regardless, it is clear that the position requires the scope and level of a director role, despite its designation as a manager under the County’s organization.

The Environmental Health Division manager reports to the deputy director of Public Health. Environmental Health can be considered an “enforcement branch” of Public Health, although enforcement is a challenge. The responsibilities are vast and include all of the following for Mariposa County:

- Air Pollution (including permitting for control burns)
- Hazardous Material
- Hazardous Waste
- Above/Underground Storage Tanks
- Solid Waste Disposal

- Septic Systems
- Water Well Systems
- Pool Safety Inspections
- Food Inspection for all retail facilities, restaurants, bars, bakeries, delis, grocery, convenient & liquor stores, cottage food kitchens, bed & breakfasts and hotels, schools and community kitchens, fairs, festivals, and special events.

For five months, all of this work has been the responsibility of the one (1) licensed REHS. Four (4) positions have been vacant. In the last five years, the Public Health Department was combined with HHSA. Environmental Health may not have been served well by this change, as seen in the high rates of staff turnover and budget difficulties.

The Building Department is responsible for enforcement of California State and Mariposa County rules and regulations concerning the safety of structures. Public safety is a key component for the work of this department. Building permits are issued based on the current edition of the California Building Codes and local amendments, encompassing building, electrical, mechanical, plumbing, state energy requirements, and state accessibility laws. The stated goal of the permitting process is to ensure that development projects proceed according to safe building practices.

California Civil Code Section 55.53 requires local governments to employ or retain the services of at least one (1) Building Official. The Building Official shall be responsible for enforcement of the provisions of the California Building Code Standards for all projects within the Building Official's authority. In the last year, during the absence of an identified Building Department Director, Mariposa County contracted a Building Official, however that individual did not oversee anything that involved budget or personnel management. Mariposa County named an interim Building Department Director in April 2024. This interim Building Director serves as the Building Official and is responsible for managing budget and personnel.

County Ordinance #1173, adopted by the Board of Supervisors on May 10, 2022, became effective June 9, 2022. If a violation exists on a parcel, Mariposa County Building Department cannot accept any permit application for that parcel. No permit can be issued, no inspections can be requested or completed, and no approvals are given, except in the cases of life and safety concerns or if the requested permit is to correct the violation. This ordinance has had a vast effect on the work of building inspectors, County residents and interpretation of code enforcement in the county.

The Building Department, along with Solid Waste and Recycling, is one of two designated “enterprise” funded departments for Mariposa County. The “enterprise” designation implies that a department with a defined mission/goal is responsible for managing its own risks and performance, and therefore must accrue revenue to support the department. As an enterprise, the budget of the Building Department is separate from governance by the Administration Department. Building Department fees should be established to cover costs and maintain a budget that covers the work of the department. Despite an increase in fees, revenue the last year has been down, and there is a department deficit of about \$300,000. Until the appointment of a new interim Building Director in April 2024, the Building Department was without an identified individual with budget oversight for a period of at least six (6) months.

Review of the Building Department budget shows that budgeting does not adequately reflect it as an enterprise fund. Line items of the budget are unclear. As an enterprise department, fees are collected to support development projects. Fees that are collected are used after collection to pay for county time, outside building consultants, retained contracts special to unique projects and other things. Currently, fees collected are reported as revenue without escrow. When fees that are collected are only identified as revenue, there must be an accountable balance with when they are later paid. It is very common for fees to be paid (and marked as income) in one fiscal year and be used in a later fiscal year. This makes for a revenue and expense imbalance between fiscal years. Distribution of fees such as this into an “escrow” account could minimize confusion and assist in making things clearer from an outside account audit situation.

The Planning Department Director was appointed by the Board of Supervisors in January 2023. This department, much like other County departments, has faced budget challenges and staff shortages. The Planning Department has been without a Deputy Director since the appointment of a new director in 2023. There have been multiple vacant staff positions over the last year.

The Departments of Building and Planning and Division of Environmental Health are combined under the umbrella term “Development Services,” but each entity has separate policy and procedure practices, budgetary domains, and staff. There can be no doubt about the interconnectivity of this work on behalf of the County and therefore the importance of efficient processes and procedures within each entity. The problems associated with staff shortages and differing policies and procedures are discussed further in other sections of this final report (see “Complaints and Code Compliance,” “Technology,” and “Workplace Culture, Training, and Organization” sections).

FINDINGS		RESPONSES
F1	Inconsistencies in the permitting process have led to confusion and complaints from the community.	
F2	Staff shortages in Environmental Health have created an overwhelming workload, putting the County at risk for timely identification of environmental hazards.	
F3	The continued vacancy in the position of Deputy Director and other staff positions for the Planning Department is having a direct effect on time management of County projects and timely department communications.	
F4	Building Department budget does not effectively reflect the department’s revenue and expense streams as an enterprise fund, making the Building	

	Department budget unclear and confusing.	
F5	Although lumped together under the term Development Services, the Departments of Planning and Building, and the Division of Environmental Health have separate procedures for how work is managed leading to confusion, lack of efficiency and complaints from the community.	
F6	Lack of formal written policies and procedures for the Planning and Building Departments and the Division of Environmental Health has led to confusion in completing job tasks among employees, affecting quality and timeliness of work in Development Services.	
RECOMMENDATIONS		RESPONSES
R1	The Planning Department, Building Department, and Environmental Health Division should create informational resources to help the community understand permitting processes for Mariposa County within one (1) year.	
R2	Immediately, effort should be made to address staff shortages in the Environmental Health Division	
R3	Immediately, effort should be made to address the Planning Department Deputy Director and other staff vacancies.	
R4	Working with Administration, the interim Building Department Director should evaluate and establish an effective reflection of the department's budget as an enterprise within six (6) months.	
R5	Immediately, policies and procedures should be written for the Departments of Planning and Building and the Division of Environmental Health.	
R6	Within one (1) year, written policies and procedures for the Departments of Planning and Building and the Division	

	of Environmental Health should be reviewed for consistency and accuracy across the units.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

Board of Supervisors: F1, F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, R6,

The following appointed officials are invited to respond within 60 days:

Building Interim Director: F1, F4, F5, F6, R2, R5, R6

Chief Administrative Officer: F4, F6, R1, R5

HHSA, Interim Director: F2, F5, F6, R3, R6

Planning Director: F1, F3, F5, F6, R1, R4, R6

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings, and a commitment to implementing the recommendations, as appropriate, per Penal Code §933.5(b)(1)(2)(3) and (4).

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Evaluation of Department Directors

Individual performance reviews are a crucial part of supervision. They serve as an opportunity to summarize ongoing performance and develop conversations for work. Additionally, they can provide a record of measurable performance objectives used for comparative review in the future. They are an opportunity to ensure that directors are aware of county goals and that supervisors are aware of current work within individual departments.

Mariposa County is divided among eighteen (18) departments. Each department is led by a designated director. Reviews for department directors in Mariposa County are scheduled annually and occur in May or June of each fiscal year. These reviews are the only opportunity that the Board of Supervisors have to hear from directors, provide supervisorial feedback or ask questions of directors.

While the work of some departments (Building, DPW, Planning) puts those department directors in front of the Board regularly (to address agenda items), there is no requirement for directors to attend meetings or address the Board outside of their annual review. It is possible that a full year may take place without report from a director to the Board of Supervisors. Reviews are closed session with only the supervisors, the department director and the Clerk of the Board attending (the Clerk of the Board is required by law to be present at all Supervisor meetings).