



COUNTY OF MENDOCINO

Board of Supervisors

SARA PIERCE
INTERIM CLERK OF THE BOARD

501 Low Gap Rd. Room 1010
Ukiah, CA 95482

Email: bos@mendocinocounty.gov
Website: www.mendocinocounty.gov

Office: (707) 463-4221
Fax: (707) 463-5649

September 1, 2026

RESPONSE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO THE 2025-2026 MENDOCINO COUNTY CIVIL GRAND JURY REPORT: FROM POLICY TO PRACTICE: DIGGING DEEPER INTO THE BOARD OF SUPERVISORS OVERSIGHT OF PLANNING AND BUILDING SERVICES

INTRODUCTORY STATEMENT: The Board provides the following responses under California Penal Code sections 933 and 933.05. The Board recognizes the value of clear, current, and accessible policies. The records supplied by Planning and Building Services (PBS) show substantial policy work completed or underway across Code Enforcement, Building, and Planning. They also show that some Planning policies remain in draft form and that a single comprehensive written procedure addressing the County and CAL FIRE roles under Public Resources Code section 4290 and Title 14 is still being developed. The Board will establish completion of this work as a priority. PBS has limited staff and must continue to meet permitting, inspection, code enforcement, planning, customer-service, and other operational needs. The Board does not intend to micromanage the Department Director or direct day-to-day workflow. The Director is expected to balance these priorities and report material progress or delays through the CEO. Work that depends on additional CAL FIRE guidance is tentatively expected to be completed within 90 days after PBS receives complete and full information from CAL FIRE. These responses are based on the records available for this draft and avoid conclusions not supported by those records.

RESPONSE TO FINDINGS:

F1. The BOS action taken by approving the response to the Grand Jury GJ25 Report was a contravention to its Mission Statement and the Principles of Office.

Disagree Wholly. The Board's prior response addressed each finding and recommendation using the response categories required by Penal Code section 933.05. The statement that the action contravened the Board's Mission Statement and Principles of Office is a characterization, not a fact established by the materials reviewed for this response.

F2. The lack of direction and unclear communication from the BOS to the CEO to manage, supervise, and maintain accountability in the daily operations within PBS has compromised public safety and best business practices.

Disagree Partially. The Board agrees that clear priorities, defined responsibility, and regular status reporting support accountability and consistent operations. The Board sets County policy and priorities, while the CEO and Department Director manage daily operations. The Board does not intend to direct the day-to-day sequence of individual department tasks. PBS has limited staff, and the

THE BOARD OF SUPERVISORS

MADELINE CLINE
First District

MAUREEN MULHEREN
Second District

JOHN HASCHAK
Third District

BERNIE NORVELL
Fourth District

TED WILLIAMS
Fifth District

Department Director must balance policy development with permitting, inspections, code enforcement, planning, customer service, and other operational needs. The Board disagrees that the records reviewed establish that public safety was compromised.

F3. The BOS has not issued directives that would compel PBS' full compliance with all State laws and County ordinances by creating current and comprehensive policies and procedures.

Disagree Partially. PBS is required to comply with applicable law regardless of whether the Board restates that duty in a separate directive. The Board agrees that completing current and comprehensive policies should be an established priority. The Board's role is to set that priority and review progress, not to prescribe the Department's daily work plan. The Director remains responsible for sequencing the work and balancing it with limited staffing and other operational needs. The records show recently signed Building and Code Enforcement policies and multiple Planning policies in draft, so the work is underway but not complete.

F4. There remains a critical need for the BOS to provide direction to create, maintain, and enforce policies and procedures ensuring equitable services to the residents of Mendocino County.

Disagree Partially. The Board agrees that policies should be current, maintained, accessible, and consistently applied. PBS has already created and updated substantial written material. The Board will establish completion of the remaining policy work as a priority and request progress information through the CEO, but the Board does not intend to direct the Department's daily workflow. The Director is responsible for balancing this work with limited staffing, permitting, inspections, enforcement, planning, customer service, and other operational needs.

F5. In most divisions in PBS, policies and procedures that exist are not comprehensive and are unclear.

Disagree Partially. The records do not support a conclusion that policies in most divisions are unclear. The Code Enforcement materials include a desk manual, numbered policies, workflows, and procedures. The Building Division has recently consolidated and signed numerous policies. The Planning Division has prepared multiple detailed drafts. The Board agrees, however, that not all division materials are final or organized under one department-wide standard.

F6. PBS staff are dedicated, hardworking individuals who desire a positive outcome for the public.

Agree. The Board agrees and appreciates the work PBS staff perform for the public.

F7. The Cannabis Division's clear policies, procedures, and expectations for personnel that have been created for this division are exactly what is needed for the entire department and should be the standard for the other divisions within PBS.

Disagree Partially. The Board agrees that clear expectations, consistent formatting, revision control, and accessible procedures should be used across PBS. Each division has different legal duties and workflows, so the substance of its policies must be tailored to that division rather than copied from another program.

F8. Lack of policies and procedures has resulted in the PBS adapting to a pattern of practice dependent on individual employees' institutional knowledge and discretion.

Disagree Partially. The department does not operate without written policies and procedures. The supplied files document extensive written guidance. The Board agrees that reliance on institutional knowledge can remain where a policy is still in draft, outdated, or difficult to locate, and that completing and centralizing the policy library will reduce that risk.

F9. Procedures that are incomplete, misnumbered, and have no style guidelines or retention logs, compel employees to rely on individual discretion and institutional knowledge.

Disagree Partially. A department-wide style guide has been developed and is in place, retention policies have been developed and are under review for approval. However, the supplied archive includes legacy, superseded, draft, and current documents with inconsistent naming and formatting. Newer Code Enforcement and Building policies show numbered sections, approval dates, and revision fields.

F10. The safety of Mendocino County residents and their properties is left to the discretion of PBS employees due to inadequate implementation of PRC section 4290/Title 14.

Disagree Partially. The records reviewed do not establish that resident safety is left to individual discretion. Documentation from a previous meeting between PBS and CAL FIRE identifies CAL FIRE's responsibility in reviewing applications and inspecting projects for PRC 4290 and T14 requirements. PBS requires CAL FIRE conditions and clearance in the permit process where applicable, and CAL FIRE confirmed in writing that moving provisions into the 2025 California Wildland-Urban Interface Code did not change enforcement responsibilities. PBS also issued written Wildland-Urban Interface (WUI) requirements for new construction and for remodels and additions. The Board agrees that a single written procedure describing agency roles and the treatment of different project types would improve clarity on agency responsibilities.

F11. Building Division's documentation reveals incomplete, poorly maintained, and sporadic contradictory directions to its employees.

Disagree Partially. The supplied archive contains older and superseded material, but it also contains a substantial set of recently consolidated, signed Building policies and detailed procedures. As the new policies and procedures are implemented obsolete documents are separated from current library to an archived folder with limited access. The current PBS style guide provides a department wide consistent approach to developing policies and procedures including approval status, and revision history.

F12. PBS continues to misinterpret the term "pre-existing" for illegally constructed residential and commercial structures which, as implemented by the County, circumvents the requirements of PRC section 4290/Title 14.

Disagree Wholly. The materials reviewed do not establish that PBS has adopted an interpretation that circumvents PRC section 4290 or Title 14. They show that PBS sought written clarification from CAL FIRE and the Office of the State Fire Marshal concerning enforcement authority and WUI requirements. Any final County policy on this issue should be reviewed by County Counsel and coordinated with CAL FIRE so that the applicable rule is stated accurately.

F13. The County's inconsistencies in enforcing PRC section 4290/Title 14 enable an environment for favoritism, opportunity for bias, and continued failure to assure implementation of minimum wildfire protection standards.

Disagree Wholly. The records reviewed do not identify facts establishing favoritism or bias. PBS uses CAL FIRE conditions and clearances where applicable and has issued written WUI guidance. A comprehensive written procedure and periodic supervisory review will provide additional assurance of consistent application.

F14. The BOS has failed to ensure compliance with PRC section 4290/Title 14 and to ensure implementation of comprehensive policies and procedures throughout PBS.

Disagree Partially. The Board disagrees that the records establish a failure to ensure legal compliance. The records show ongoing coordination with CAL FIRE, written WUI guidance, signed division policies, workflows, and additional policies in draft. The Board will establish the remaining policy work as a priority and request progress reporting through the CEO. The Director will determine how to balance that work with limited staffing and other operational duties. PBS has reached out to CAL FIRE and for work that depends on further CAL FIRE guidance, completion is tentatively expected within 90 days after PBS receives complete and full information from CAL FIRE.

RESPONSE TO RECOMMENDATIONS:

R1. The Grand Jury recommends that the Board of Supervisors give direction to the Chief Executive Officer to have, by Dec 1, 2026, a working draft of Policies and Procedures for all divisions within Planning and Building Services. The guidelines should be comprehensive, standardized, and easily accessible to all staff members to ensure that the processes are consistently followed and comply with regulatory requirements.

The recommendation has not yet been fully implemented, the Board will establish this as a priority for PBS to be implemented prior to the BOS December 15th 2026 meeting. The Board priority will include completion of a department-wide working draft policy library however the dates specified in the report for completion are unrealistic while PBS continues to provide the necessary daily operations. The Director will determine the work plan and schedule, taking into account limited PBS staffing and other operational needs, and will provide quarterly progress reports through the CEO to ensure the continued effort to complete the updated policy library.

R2. The Grand Jury recommends that the Board of Supervisors give directions to the Chief Executive Officer to instruct Planning and Building Services to have a final version of Policy and Procedures for all divisions by Mar 1, 2027.

The recommendation has not yet been fully implemented, the Board will establish this as a priority for PBS. The Board will include the recommendation of completion of the department policy library with a target of June of 2028, however the dates specified in the report are unrealistic while PBS continues to provide the necessary daily operations. PBS has limited staff and must continue to meet permitting, inspection, code enforcement, planning, and customer-service obligations. The Director will balance those operational needs, determine the work sequence, and advise the CEO and Board quarterly on the status of the update. The Board does not intend to manage the Department's day-to-day workloads.

R3. The Grand Jury recommends that the Board of Supervisors give direction to the Chief Executive Officer to have a working draft by Oct 15, 2026, of Policies and Procedures in all aspects of the implementation of PRC section 4290/Title 14.

The recommendation has not yet been fully implemented. PBS has already created memos addressing the requirements of PRC 4290 / Title 14 be included in the plan submittals but because a complete working draft depends on full clarification from CAL FIRE, PBS tentatively expects to complete it within 90 days after receiving complete and full information from CAL FIRE. The draft should identify agency responsibilities, applicable project types, required conditions and clearances, documentation, exceptions, and final approvals. The Director will determine how to schedule and complete the work while balancing limited staff and ongoing operational needs and advise the CEO and Board quarterly on the status of the update.

R4. The Grand Jury recommends that the Board of Supervisors give direction to the Chief Executive Officer to instruct Planning and Building Services to have a final version of Policy and Procedures for the application of PRC section 4290/Title 14 for all divisions by Jan 1, 2027.

The recommendation has not yet been fully implemented. PBS has already created memos addressing the requirements of PRC 4290 / Title 14 be included in the plan submittals. PBS has requested clarification on responsibilities of PBS and CAL FIRE, because the final procedure depends on complete guidance concerning those respective responsibilities completion is tentatively expected within 90 days after PBS receives complete and full information from CAL FIRE. The Director will manage the work, including necessary County Counsel and subject-matter review, staff training, publication, revision control, and supervisory checks, while continuing to meet other operational needs and advise the CEO and Board quarterly on the status of the update.