


**FINAL REPORT**

**CASE 1699: Building Permits:  City of Stockton**

## **REASON FOR INVESTIGATION**

A citizen filed a complaint alleging that the City of Stockton is not pursuing making all contractors obtain building permits, and that inspectors are inspecting work of contractors that they have hired for work on their personal property.

## **BACKGROUND**

1. Part III, Section 13.301 of the Stockton Municipal Code requires building permits for each building, structure, repair, demolition or alteration to buildings, with some exceptions .
2. The Building and Professions code requires that a contractor be licensed to build, repair, demolish or alter any building.
3. Contractors are required to be aware of building permit requirements.
4. The Citizen alleges, and the Grand Jury confirmed, that some work that requires a permit is being completed within the City of Stockton without proper permits.

5. The City of Stockton has an aggressive program to require that contractors obtain required permits. This program includes an investigation fee equal to nine (9) times the original permit fee to a maximum of \$1,000, if a permit is not obtained.
6. The City of Stockton imposed said fee 45 times for a total of \$19,603.52 collected in penalties for 1999.
7. The City of Stockton has a limited public education program for property owners to make them aware of the requirement for permits.
8. The City of Stockton has no policy regarding inspectors inspecting a contractor's work on other sites, even though the contractor is working on the inspector's property.

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## **METHOD OF INVESTIGATION**

- { Met with City of Stockton Community Development Department, Building Division and City Attorney staff members.
- { Reviewed appropriate City of Stockton code sections regarding building permits
- { Reviewed public information flier (the Building Division).
- { Reviewed summary of records of building permits issued in 1999.
- { Reviewed summary of penalties imposed for building without proper permit.

## FINDINGS

1. The Grand Jury is satisfied that the City of Stockton has a satisfactory program to notify contractors of need for building permits.
2. The Grand Jury is satisfied that the City of Stockton adequately pursues contractors working without proper permits.
3. The Grand Jury finds that the Public Education Program is inadequate and does not adequately notify property owners of building permit requirements.
4. The Grand Jury finds that there should be a policy that inspectors not inspect work being performed by a contractor doing work on an inspector's property.

## RECOMMENDATIONS

1. The City of Stockton develop a Public Education Outreach program to educate property owners of the need for permits. This should be monitored annually and could include news articles and attendance at trade shows like Home Improvement or Garden shows.
2. The City Website should include information relative to Building Permit requirements.
3. The City Hall at the Mall should prominently display posters and information about the need for building permits.
4. The City of Stockton should develop and enforce a policy that removes any appearance of conflict of interest when the City is inspecting a contractor's work, including the requirement that the inspector not inspect work of a contractor who is currently doing work on the inspector's personal property.

## RESPONSE REQUIRED

*Pursuant to Sections 933.05 of the Penal Code:*

1. The City Manager of the City of Stockton (respondent) shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of the publication of this Report. ♦ That statute requires that as to each finding in the report, the response indicate one of the following:
  - a. The respondent agrees with the finding.
  - b. The respondent disagrees with the finding with an explanation of the reasons therefore .

Section 933.05 also requires as to each recommendation, the response indicate one of the following:

- a. The recommendation has been implemented, with a summary of the action taken .
- b. The recommendation has not yet been implemented, but will be, with a timeframe for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a timeframe not to exceed 6 months.
- d. The recommendation will not be implemented, with an explanation therefore .