Land Use Program Consultation Path – for immediate use and until further notice

From: Sarah Jones, Community Development Director

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Subject: Consultation path for constituent inquiries regarding EHS-Land Use program activities

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This document outlines a consistent approach for elevating consultation on technical determinations and matters of discretion in the Environmental Health Services (EHS) Land Use program. It is being established so that there is clarity and engagement of CDA leadership as needed in matters of dispute or technical interpretation that involve reconciliation of multiple considerations. The goal of the consultation path is timely, equitable, context-appropriate resolution of issues within the administrative structure of CDA.

This consultation path builds on and is part of increased community engagement and collaboration in the Land Use Program in order to build understanding and share ideas. The current Local Agency Management Plan (LAMP) process is strongly grounded in both public input and technical collaboration. During this time of preparing the LAMP, one role of this consultation path is to consider individual projects in light of potential future regulations, as a parallel to the comprehensive industry collaboration. Once the public engagement of the LAMP process is complete, CDA will continue to hold a quarterly forum with industry experts and interested stakeholders. CDA is also working towards increasing the scope, extent, and clarity of communications, providing specific information on all aspects of regulations and administrative practices as well as helpful guidance and resources.

This consultation path is intended to be comprehensive and so is detailed. In summary, the underlying concept is that if there is a question or concern, **CDA will, in a timely manner, take into account all considerations and will find a path to problem-solve.**

Note: *This pathway is an administrative escalation process for service concerns and review of determinations. It does not replace or otherwise affect any formal appeal rights established in County Code. This pathway applies internally within the County only, and does not create any rights for any third party or the public. It is entirely for administrative purposes and subject to adjustment at any time at the discretion of the CDA Director. This pathway is not intended to amend or*

otherwise affect any other County administrative process or policy, and to the extent this pathway conflicts with any such other process or policy, that other administrative process or policy will govern.

1. General Guidelines

- **Written Responses**. All formal written responses to inquiries provided at any step will include:
    - A clear statement of the issue raised
    - Relevant facts relied upon
    - Applicable code sections, policies, or standards
    - Options considered (if applicable)
    - Determination and rationale
    - Any remaining options or next steps
- **Management of inquiries**. This pathway governs service inquiries and technical disputes only. Allegations of misconduct are handled under separate County policies.
- **Timeliness**. For time-sensitive issues the established timeframes for response will be bypassed and ***every effort will be made to reach resolution as quickly as possible***, including accelerated consultation with the CDA Director.
- **Permit Ombudsperson**. The Ombudsperson is the primary point of contact on customer service matters. The Ombudsperson also serves as a neutral facilitator to improve communication, identify process breakdowns, and recommend service improvements. The Ombudsperson does not independently overturn technical determinations unless specifically delegated authority by the Director.
- **Conflict of Interest.** If an inquiry concerns the conduct or decision of the individual assigned to review it at any level, the matter will automatically advance to the next supervisory level or be assigned to an independent reviewer.
- **Adherence to consultation path.** If a constituent bypasses steps in the consultation process, the person contacted will redirect the inquiry to the Deputy Director and the inquiry will be considered according to the established escalation process.
- **Board of Supervisors engagement.** If contacted by a Board office, program staff will immediately provide a status summary to the CDA Director for distribution as appropriate to ACE and District Office. All case-specific decisions remain within the administrative structure of CDA.

2. Consultation Path Steps

This pathway provides a means for reconciliation of an inquiry, concern, or request for clarification regarding Land Use program actions or procedures, referred to here as “inquiry.”

Level 1: EHS Staff or Permit Ombudsperson (Initial Contact)

- Inquiry received via phone, email, in person, or online EHS inquiry portal.
- Acknowledge receipt by staff. The inquiry is reviewed within two working days and discussed with constituent in an effort to gain full clarity of the issue, and if possible is resolved without further action.
- EHS staff/Ombudsperson refers the inquiry via email, with cc: to the constituent, the Permit Ombudsperson, Supervising Environmental Health Specialist and Deputy Director of EHS.

  At such time as a tracking system is established the inquiry will be entered into that system.
- EHS staff, Supervising EHS, and Deputy Director consult on resolution. The Permit Ombudsperson, Planning/B&S staff, and other relevant staff or independent reviewers are consulted if necessary.
- Supervising EHS and Deputy Director approve resolution.
- EHS Staff/Ombudsperson provides a response to the constituent within five working days of initial inquiry, with cc: to all who were consulted
- **Note: Constituent does not need to route inquiry through staff and may go directly to Level 2 or Level 3.**

Level 2: Supervising Environmental Health Specialist

NOTE: At this time there is no distinction between Level 2 and Level 3 since the Deputy Director is also acting as Supervising EHS.

- The constituent may elevate the inquiry to the Supervising EHS, or may request that staff do so.
- The Supervising EHS notifies the Permit Ombudsperson, the Deputy Director and the CDA Director/Assistant Director immediately.
- The Supervising EHS reviews the inquiry and coordinates with relevant staff and the constituent. The Supervising EHS consults with the Permit Ombudsperson, relevant subject matter experts as needed and with the Deputy Director. At the Deputy Director's discretion, the CDA Director/Assistant Director might also be consulted.

- Following consultation with the Deputy Director, the Supervising EHS will provide a formal written response within an expected time frame of 5 working days of the inquiry 2 escalation when feasible.

Level 3: Deputy Director

- Following the Supervising EHS response, the constituent may elevate the inquiry to the Deputy Director or may request that the Supervising EHS do so.
- The Deputy Director notifies the Permit Ombudsperson and the CDA Director/Assistant Director immediately.
- The Deputy Director reviews the inquiry and coordinates with relevant staff, the Supervising EHS, and the constituent. The Deputy Director consults with relevant subject matter experts with the County as needed.
- The Deputy Director, Permit Ombudsperson, and CDA Director/Assistant Director consult and come to agreement on a resolution.
- The Deputy Director provides a formal written response within 5 days of inquiry escalation.

Level 4: Department Director/Assistant Director

- The constituent may escalate the inquiry to the CDA Director.
- The CDA Director and/or Assistant Director confer with the constituent to discuss the issue.
- Modification of the inquiry resolution reached by the Supervising EHS or Deputy Director is at the discretion of the CDA Director.
- If there are substantive policy issues involved, the CDA Director will seek alignment with the Assistant County Executive (ACE).
- The CDA Director provides a response via email within 5 working days of meeting with the constituent and will include the ACE on the correspondence.
- The CDA Director will provide a concise internal briefing memo to the ACE and, where appropriate, the relevant District Supervisor's office for situational awareness only. External correspondence to the constituent will remain signed and issued by the CDA Director (or designee).

Level 5: Assistant County Executive

- The constituent may escalate the inquiry to ACE.
- The CDA Director/Assistant Director and Deputy Director will consult with the ACE and explore and clarify the policy basis for the resolution reached by the CDA Director.
- The ACE role is advisory and policy-oriented, not operational case adjudication. Consideration of industry engineer or industry SME may be used as part of the resolution process.
- Regardless of the result of the escalation, in addition to the resolution of the inquiry, the CDA Director/Assistant Director and Deputy Director will identify possible further actions to clarify or adjust administrative practices to avoid future disputes. They will also identify potential policy modifications for consideration for future approval, where appropriate.
- As stated above, if an inquiry is made directly to the County Executive or Board of Supervisors, this process anticipates that they will redirect the inquiry to CDA to be handled according to this consultation path.

Summary of Roles in the Consultation Path

- **Frontline Staff:** Receives and problem-solves. Elevates as needed.
- **Supervising EHS and Deputy Director:** Investigates, communicates, and resolves.
- **Director:** Handles, approves, or denies appeals.
- **County Executive/ACE:** Final authority on policy-related or high-impact disputes.