

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #37 FINAL MINUTES

(Approved 7/12/24 with Amendments)

DATE: October 18, 2023

TIME: 2:00 - 4:00 PM

LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Welcome

Due to the absence of the Chair, Karen Woblesky and Vice Chair, Gabe Edwards, Planning Director, Steve Engfer called the meeting to order at 2:00 P.M.

CCAC Members Present: Lydia Clary, Colleen Rhodes, Ken Melton, Robert Fox, Koren Monroe.

CCAC Members Absent/Excused: Karen Woblesky, Kris Casto, Gabe Edwards

County Staff Present: Steve Engfer (Planning Director), Corrina Miranda (Planning), Debbie Willis (Building Director)

Public Present: Yes, unidentified members of the public were present.

2. Approve Minutes of CCAC Meeting #36, 09/20/2023

Tabled to the next meeting November 15, 2023.

3. Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. No action will be taken by the CCAC.

There was no public comment received.

4. Compliance Case Business Process Presentation, Staff

Engfer introduced Corrina Miranda, Senior Planner who presented the Overview of Current Compliance Process with a PowerPoint presentation that was requested by the committee at the September 20, 2023 meeting.

Miranda stated that many CCAC recommendations have been incorporated into the county's processes.

Discussion that the public indicates that they receive RFI letters and the processes the county claims to be using are not actually being used.

Several questions arose including how does the county distinguish between a mere allegation that there is a violation – a complaint – as contrasted to a confirmed violation when the term “case” is used for both categories? Discussion regarding the consequences for property owners being significant.

Engfer stated that a file has to be set up for every RFI.

Observation that here, again, the use of RFI to mean two different things – (1) the request for investigation (RFI) of an alleged violation, and (2) a letter requesting an inspection (RFI) of a property – presents a communication problem that could be remedied and has not been remedied for two years. Property owners have reported to CCAC members that code staff do not get back to them in a timely manner.

Miranda stated that during the second step, cases are reviewed for investigation, given a priority as was suggested by the CCAC, are ranked according to life-health-safety, and a multi-faceted case is referred to the correct department. She also stated that there is a code internal review team consisting of Environmental Health, Public Works, County Fire, Building, Planning, and the Sheriff. Cases are taken there to be reviewed and for the next action.

Melton asked what type of complaint gets referred to Cal Fire. Miranda answered, “hotels and commercial properties,” but it’s case by case. Melton attempted to get clarification as to whether the fire agency involved would be County Fire or Cal Fire and that the question needs to be answered because otherwise problems can develop in the future and have developed in the past.

Discussion that several property owners who have received RFI letters have complained that they responded to code staff by phone and emails, within the ten days specified in the RFI letter under threat of having their property searched under authority of an inspection warrant. For months, they did not receive a return call or email from staff. Miranda stated that an email goes to three different compliance staff and is usually answered within a day. Since 2020, property owners and residents have reported a wide variety of problems with code compliance efforts. The impacts on property owners of receiving an RFI letter that threatens court action, an inspection warrant, within ten days of receipt is devastating. Why don’t staff get back to property owners within a timely manner? Contradiction between explanation and property owners’ experiences.

Engfer replied he would have to know the facts of each individual case. It was noted that these complaining parties are reasonable taxpayers who are fearful of the county. The public has repeatedly asserted that code compliance may cite one type of violation at the original contact but may come up with entirely different claims by the end of the process. The fear that has been created as a result is substantial. People say that county scrutiny leads to unjust outcomes.

Miranda stated that the review team uses Sharepoint and the complaints are given a number. A digital and hard copy are created. A file consisting of several items is put together including ownership information, the parcel number, a site map, and more.

Clary wants to know why complaints are not verified before multi-part files are created. Common sense is missing from the process. Sometimes an unverified complaint results in denial of a permit. Why does that happen? Why does the first contact letter contain a threat of an inspection warrant? That’s too aggressive, shouldn’t happen. Disheartening to hear about the aggressiveness of that RFI letter with its threat of a court-ordered inspection. Communication is huge. A return phone call would

be so much better. Why would you not verify the existence of the violation before you do all the rest of this? Why would a 2023 purchaser of a home be held responsible for something that was done wrong in 1977? If the county didn't have the staff time to deal with the issue over 40-50 years, should the new purchaser be held responsible in this way? Should real estate agents be considered partly responsible? Miranda stated that anything present in 1977 is considered legal. If it's in the Assessor's files in 1977, it's legal.

Discussion and questions about how the county benefits from taking so much time with these old cases. They create ill will between the otherwise law-abiding property owners and the county. Concern that entry onto properties appears to be pretextual when the last-identified violation is not the first-alleged violation or even similar to it.

There are plenty of life-health-safety violations that need code compliance attention, not these non-issues. Discussion of too little confidence that property owners can trust the county. When a CDBG grant, that is meant to provide a million dollars interest-free to qualified recipients, can't attract applicants because people don't trust the county, that is evidence of a lack of trust.

Discussion that the current practices and procedures have too few rules, timelines, and benchmarks for excellence. Too often the CCAC is told that is "it's a case-by-case basis." There need to be fair, equitable rules.

Miranda stated that "Notice of Intent to Find a Violation" is now required, but as the CCAC has said, it should be changed. BWOP is being changed so that engineering is not automatically required. Environmental Health has their own, although similar, processes and cases.

Miranda said the inspection warrants are only used for the very worst cases – but the discussion indicates they are threatened in every initial contact letter, so this point remains confusing. Miranda stated that when cases need to be escalated, they are referred to County Counsel and code compliance's involvement ends.

Miranda stated that when an outside agency is the lead, code compliance may not be involved much at all. Once it's all mitigated, the file is closed. Code compliance also closes the file if it's referred to the Sheriff. Code compliance may open a case and then close it when it's referred to another agency. Melton said a case shouldn't even be opened if it's a Fish & Wildlife case. Miranda said a file wouldn't be opened. Melton pointed out that is the opposite of what Miranda just said. She then apologized and stated what she said initially was incorrect.

Melton said we need to be looking into the actual files where we will find exactly what has just been discussed. The CCAC needs to look at the files and suggest that some of them be closed because they are so minor or so old or there really isn't an issue.

Discussion that the amnesty program would be a place to address a lot of these issues that were discussed today. Need to get processes up to date and make sure these things work. Public health and safety should be the limit of government's job. We need to get going on that amnesty procedure.

Engfer stated that he wants to acknowledge members' comments and that the ad hoc committee will be brought together to look at cases and then the information will be brought before the entire group. Engfer advised the ad hoc members to watch for emails arranging meetings of the ad hoc committee.

Rhodes asked who the members of the ad hoc committee are. Engfer replied Ken Melton, Gabe Edwards, and Rob Fox. Rob Fox said no, he dropped out months ago. Engfer said he will confirm and send out the information about the ad hoc composition.

Melton asked who sets up the ad hoc meetings. Engfer said Planning staff does that by facilitating arrangements for meeting space. He added that ad hoc meetings can be held independently.

There was no public comment received.

5. Case Categorization Resolution Presentation, Staff All agreed that the meeting on 10/18/2023 should be a review of the matters discussed on 9/18/2023.

Miranda presented the case categorization resolution, and a discussion was held with regards to the two cases with County Counsel, unfounded cases, open and closed cases and permits.

6. Discussion and Possible Action re: CCAC Priority List

Tabled to the next meeting November 15, 2023.

7. Discussion and Possible Action re: Amnesty Program Design- Discussion regarding cases, analysis for Potential Amnesty Program

Tabled to the next meeting November 15, 2023.

8. Discussion and Possible Action re: RFI Letter and Edit Recommendations

Tabled to the next meeting November 15, 2023.

9. Discussion/Possible Action re: Future CCAC Agenda Items and Priority Identification and Focus for Remainder of 2023 and into 2024. Next CCAC Meeting is scheduled for November 15, 2023. (Meeting #38)

Tabled to the next meeting November 15, 2023.

10. Adjourn 4:00 P.M.

By motion of Melton, seconded by Clary, the Code Compliance Advisory Committee adjourned the meeting at 4:00 PM. 5 ayes, 0 nays, unanimous. Motion Passed.

Minutes prepared from audio recording of meeting and submitted by Sophea Craighead, Office Technician