

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #40 FINAL MINUTES

(Approved 7/12/24 with Amendments)

DATE: January 17, 2024
TIME: 1:00 - 4:00 PM
LOCATION: Development Services, 1st Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Welcome

Colleen Rhodes, Chair called the meeting to order at 1:11 p.m. and announced the presence of a quorum.

CCAC Members Present: Kris Casto, Robert Fox, Ken Melton, Lydia Clary, Colleen Rhodes, Gabe Edwards (arrived late).

CCAC Member Absent: None.

County Staff Present: Planning: Steve Engfer, Corrina Miranda, Bart Conners; Building: Justin Meisner; Environmental Health: Carolyn, Mariaelena Ybarra-Frausto, Kerri Gibbson.

County Supervisor Present: Rosemarie Smallcombe, District I and Danette Toso, District III.

Public Present: Floyd Davis, Shelley Cummings, Justin Bernard.

2. Public Comment on Non-Agenda Items: For items within the jurisdiction of the Code Compliance Advisory Committee and not on today's agenda. No action will be taken on non-agenda items.

Public comment was received from Floyd Davis and Justin Bernard.

Floyd Davis described his background in engineering, building, and code inspections. Described his relevant experience with a jurisdiction in southern California. He is an experienced licensed engineer (since 1981) and longtime resident of Mariposa County. He suggests that inspectors should go out and try to resolve violations as he has seen done elsewhere. If a building was built without a permit but the construction was sound, there is no real reason to go through engineering for all of them. Justin Meisner came out to a site with ten buildings and assisted Floyd in resolving all but two of them. By using this kind of cooperative effort, the violations list can be pared down so that important matters get more attention. Many problems can be resolved cooperatively without requiring engineering.

Justin Bernard said he is interested in the code compliance process and work of the CCAC and wants to stay on a good basis with the county. Thinks highly of the staff he has worked with so far.

3. Election of officers for 2024 in accordance with CCAC bylaws: Chairperson, Vice Chair, and Secretary.

Fox nominated Rhodes for the Chair position. Rhodes accepted the nomination.

By motion of Fox, seconded by Melton, the Code Compliance Advisory Committee elected Colleen Rhodes as the Chair for 2024. 5 ayes, 0 nays, 1 excused (Gabe Edwards), Motion passed.

After action was taken on item #4, Rhodes asked for a motion to approve Gabe Edwards for the Vice Chair position for 2024.

By motion of Fox, seconded by Casto, the Code Compliance Advisory Committee re-elected Gabe Edwards as the Vice Chair for 2024. 6 ayes, 0 nays. Motion passed (Edwards arrived late to the meeting).

Rhodes asked for nominations for the Secretary position. No nominations were received. Engfer reminded the committee that staff could provide the service.

Rhodes moved to item #6.

4. Set the CCAC's 2024 Regular Meeting Schedule: 3rd Wednesday of each month, with the exception of June (6/19 is a holiday), which will be the 4th Wednesday. Meetings to begin at 1 pm.

After discussion the CCAC members agreed to change the regular meeting schedule to the 2nd Wednesday of each month to begin at 1:00 PM to 4:00 PM. Rhodes moved to item #5 while Planning Staff worked on confirming that the Board of Supervisors Chamber Room would be available for the new meeting dates.

After item #5, the committee made a motion and approved the new meeting dates for 2024.

By motion of Clary, seconded by Melton, the Code Compliance Advisory Committee approved the new 2024 meeting dates to the 2nd Wednesday of each month. 6 ayes, 0 nays. Motion passed (Edwards arrived late to the meeting).

Recess was taken at 2:30 p.m. and reconvened at 2:34 p.m. Rhodes reverted to item# 3 before moving to item# 6.

5. Follow-Up of Case Study of Illegal Occupancy of RV.

Rhodes introduced County Staff who presented their findings, what actions were taken and the timeline for the follow-up inspections and the possible future actions based on their next findings.

Coder stated that Lena Ybarra-Frausto has inspected the Lake Don Pedro site. Ybarra-Frausto said that she was at the site last Friday, 1/12/24, to do a site inspection. The RV occupants were present but stated they no longer live there. She found raw sewage on the ground. Advised the occupants to pour bleach on the area and not occupy the RV again. A letter and email were sent to the property owner to advise him to cease and desist. There was a barrel that appeared to be used for burning trash. She told him they must not burn trash. Environmental Health will be posting the RV with a red tag if they continue to let sewage reach the ground. Miranda said, "it's a violation of 15" and it can be

posted with 72-hour notice. The property owner has to remove the RV. Said the county doesn't have summary abatement, so can't remove the RV. States the county can only remove the RV if goes through a proceeding. If the owner doesn't agree, the county doesn't have a process or funds. Said that staff discussed this morning what would be the next step. There is another case with squatters on a property and the owners want them removed. The RV occupants provided an email, but nothing more. The Sheriff's office is pretty good and maybe the county can get them to drive by.

Environmental Health said it would be a "do not occupy" posting, but the only way to enforce would be to ask for the Sheriff's help. Melton asked for clarification about the burn barrels. Staff clarified that they meant that the problem was the burning of household trash, not burn barrels.

Cummings thanked staff for helping. Due to her commute, she drives past the RV almost daily and has seen the trash burning in the barrel almost constantly. She has seen the RV occupants, 2 adults and 2 children, living in the RV. The LDPOA is trying to mitigate the problem and will continue to take action to enforce the HOA's rules. Asked how the county can assist in getting the occupants out. Miranda said it will need the Sheriff's help. Miranda said staff can use 1.20 or a civil suit, but it really needs a civil suit, which they don't want to do. Said again that summary abatement is not available under county codes. Will post based on Title 15, you can't live in an RV. Miranda said "I have 5 RVs that I need to talk to you about" that she saw when she drove through the area recently.

Casto asked if the owner will have to return the soil to its former state. Coder answered that lye or bleach can be used to mitigate it and the owner will be responsible for clean-up. Environmental Health staff will monitor the clean-up under Health & Safety Code. Casto then asked if there was any reason to go inside to check on the living conditions for the children. What triggers that? Miranda stated the children are grandkids who are there only part time. Miranda said that Health and Human Services would be called. Smallcombe stated that Child Welfare Services would be contacted if Miranda thought there was any reason to do so. Miranda said the Sheriff would also call.

Rhodes stated that the CCAC is looking at this case to come to a better understanding of how code is used or may need to be changed to deal with illegal occupancy of RVs that constitute substandard housing or constitute a nuisance for others. Asked that individuals present not further discuss the specific details of the case in a way that could compromise the neutrality of the two Supervisors present because of their potential role in the future in a quasi-judicial capacity.

Clary said that if you used summary abatement the Building Official would have to make a determination.

Rhodes thanked Environmental Health and Code Compliance staff for their presentations and efforts. Asked whether Title 1's enforcement mechanisms had ever been utilized. Pointed out the problems with Title 17.144, the cumbersome processes adopted in 2001 and still on the books for 23 years.

Melton pointed out that there are two real violations present in this case: sewage and burning trash. Need to look at the big picture of RV use in the county and what flexibility is there. We need to find out what the possibilities really are.

Miranda stated she is observing more and more RVs. Also stated that in a housing emergency under specific conditions a person could live in an RV. Said the county has 80 cases on the books, about

10% of the potential RV cases. Neighbors may not be complaining, but there may be violations like bad electrical. What Ken is saying can be done but have to be careful not to create a bigger problem.

Discussion ensued that the CCAC needs to identify how to get to a resolution when violations are identified by the public. The Title 1 provisions are not used – misdemeanors, infractions. Cooperative owners and occupants require a different approach, but uncooperative individuals, like the ones we've been discussing, could be enforced against through Chapter 1.20. Why not utilize the misdemeanor or infraction provisions, which could be employed from the first day?

Miranda said she met with the Deputy District Attorney last week. In the case they discussed, they are using this approach. Stated that until the county has an administrative process, staff may have to do that; the initial letters are required by MCC 17.144, which requires that if violators give any sign they're going to work with us, we have to let them go on and after six months they look at us like they may not cooperate. We go through letter after letter and don't get results, but with an administrative process we could. We write a lot of letters that we don't have any muscle to back up.

Discussion ensued regarding Mariposa County Code which states that after the 17.144 process, the case is to be referred to County Counsel so a lawsuit can be filed. The CCAC has never believed that the 17.144 process is effective because it gives the mixed message that there are no consequences.

Miranda stated that the internal code compliance committee will meet monthly and that she recently met with a Sheriff's representative. Code Compliance's worst of the worst tends also to be the Sheriff's worst

Public comment was received by Shelley Cummings.

A discussion was held between CCAC members and County Staff regarding other potential violations, Title 13 and 15, and abatement related to this case study.

Before moving on to item #6, Rhode reverted to Item #4.

6. Discussion and Action: CCAC Priorities for 2024

Rhodes introduced Planning Director, Steve Engfer who provided an update regarding items that will be on the next agenda for the future Board of Supervisors consideration and the CCAC recommendations.

Public Comment received by Shelly Cummings.

Discussion was held with CCAC members, County Staff and Supervisor Smallcombe regarding the recommendation to the Board of Supervisors and what expectations and solutions are expected from the recommendation.

7. Ad Hoc Committee Reports.

- a. Code Ad Hoc.
- b. Case Ad Hoc.
- c. Blue Sky Workshops Ad Hoc

This item was tabled to the next meeting.

8. Updates

- a. County staff changes.
- b. Legislative updates.
- c. CCAC member applications.

This item was tabled to the next meeting.

9. Discussion and Review: First Draft of 2023 Annual Report to Board of Supervisors.

This item was tabled to the next meeting.

10. Adjourn.

By motion of Edwards, seconded by Melton, the Code Compliance Advisory Committee meeting adjourned at 4:07 p.m. 6 ayes, 0, nays. Motion Passed.

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