

MARIPOSA COUNTY

Code Compliance Advisory Committee (CCAC)

MEETING #43 FINAL MINUTES

(Approved 7/12/24 with Amendments)

DATE: April 17, 2024

TIME: 2:00 - 4:00 PM

LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA 95338

1. Call to Order and Roll Call.

Colleen Rhodes, Chair, opened the meeting at 2:05 p.m. and announced there was a quorum.

Members Present: Kris Casto, Robert Fox, Gabe Edwards, Ken Melton and Colleen Rhodes.
Members Excused: Chris Lowey and Shelley Cummings.

Members of the Public: Mike Ahmadi, Jenni Kiser, Al Golub

County Staff Present: Planning: Steve Engfer, Corrina Miranda and Bart Conner.

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.

There was no public comment received.

After closing public comments, Rhodes stated that Item #5 will be discussed next, then item #4 and will circle back to item #3 due to the time constraint and the level of importance of the items.

3. Minutes: Draft Minutes from the meetings of September 20, 2023, October 18, 2023, November 15, 2023, December 20, 2023, January 17, 2024, February 14, 2024 and March 13, 2024.

Due to a lack of time, the draft minutes from September 2023 to March 2024 have been tabled to the next meeting May 10, 2024.

By motion of Edwards, seconded by Fox, the Code Compliance Advisory Committee tabled the draft minutes from September 20, 2023 to March 13, 2024. 5 ayes, 0 nays, 2 excused (Lowey and Cummings). Motion passed.

4. Discussion Item: Update on County Code Compliance Program Options for future Board of Supervisors consideration and the status of the following CCAC Recommendations:

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Amnesty Program, Abandoned Vehicle Abatement Program, Title 15 Amendments and Uniform Code for Abatement of Dangerous Buildings. Steve Engfer, Planning Director.

Rhodes introduced Planning Director, Steve Engfer, who introduced the Interim Building Director, Corrina Miranda who presented the item.

Miranda explained that the Uniform Code for the Abatement of Dangerous Buildings would not be included in the recommendations to the Board because its provisions are already completely included in other code sections that have already been adopted. Edwards asked for more detail. Miranda explained that the county adopted a different appeals board. She added that the Uniform Code included that the fines would be included as special assessments and in liens. Rhodes stated that she doubts that fines are authorized to be included in special assessments and therefore would need to see that language in writing. Later in the meeting, clarification was given that the Uniform Code provides for recovery of costs, but not for the inclusion of fines in special assessments or liens.

Discussion ensued about where the appeals process appears in the MCC. Questions were asked about how a resident or property owner would be able to find out about the appeals process. Miranda said all the forms are being redone because they're not in an easy-to-find or easy-to-read format. Miranda again stated that how the county takes the fines and includes them in special assessments would be defined in the program. Rhodes again questioned the concept that fines can be used in special assessments. Miranda said she's not talking about using that.

Miranda moved on to discussing staff proposals regarding the amnesty program. She wants an initial 6-month period and if it's successful can consider asking the Board to extend it. Some basic description of program guidelines and outreach. Life-health-safety violations need to be defined and excluded from amnesty. Violations created after the day the amnesty program is in place won't be eligible. Discussed inability to waive building code fees. Calls it "Path to Compliance." Described registration form. Important acknowledgements including that basic permit fees apply, but penalty fees will be waived. A Notice of Non-Complying Structure will be filed. A Notice of Noncompliance will be filed if property owner fails to complete the agreed-upon remediation. Stated that the BWOP policy is being rewritten now. The intent is to make it more flexible. Also putting together a resource list including DRAIL, HHSA, and local organizations like Lions. Need comprehensive outreach. Also looking at changes that would reduce certain fees for small non-residential outbuildings like Tuff-Sheds and such. Plans to do town halls, get the word out through real estate professionals. Will recommend changes to written correspondence and procedures. Policy manual has been started. All of this is hand in hand with Tyler Technologies.

Melton asked for additional information about Tyler. Explanation was that it allows individuals to do all their permitting online from home; there will be ways to track reports of violations; etc. Will standardize internal procedures.

Miranda stated that implementation of MCC 15.10.260 requires a resolution that explains how it will be used. Melton asked the title of 15.10.260. It is "Civil Penalties." Engfer added that changes need to be made to deal with "bad actors" or those who are willfully noncompliant.

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Rhodes pointed out that there has been a mistaken impression that the CCAC has been against enforcement, which is not the case. The CCAC has also been concerned that there are misunderstandings about the most important concepts regarding fees, fines, and abatement. The Uniform Code uses the concept of “costs,” not fines. MCC 15.10.300 asserts that the county can include fines in liens, but according to five vetoes by two different Governors, one Republican, one Democrat, it can’t. A civil lawsuit and a court’s approval is required for that to happen. Miranda replied that we can change that. Added that there needs to be a cap on the fee that holds the maximum at a percent of market value. Encourage people to be good neighbors and take remedial action.

Rhodes clarified that if the county develops a real administrative abatement program, the county will be able to recoup its costs for abating violations. Edwards discussed the need to distinguish between fees and costs versus fines and penalties. He asked about the use of infractions as opposed to misdemeanors. Miranda stated that many codes need to be repealed and replaced instead of repeatedly amended, often leaving bits behind. Edwards asked if there will be a list of the items to be changed in MCC 17.144. Edwards asked how marijuana cases will be handled and recommended that they be treated very differently from other code violations, especially those cases in which there is a large grow. Would like to see fines levied against marijuana violations as an entirely separate schedule from the rest.

Miranda also said that the Abandoned Vehicle Abatement recommendation from the CCAC needs to be adopted soon. Changes need to be made in Title 8 concerning existing vehicle abatement. Also need changes to the marijuana codes in Title 8.

Engfer stated that the internal code compliance team needs to meet and make changes as well. Expressed appreciation to the committee for participation in the process.

Fox cautioned against tying anything – such as the fees and fines mentioned earlier -- to the market value of the property.

Rhodes stated that the current BWOP policy states that engineering is required as part of the remediation process for existing violations and asked if any changes will be made to that. Miranda stated that the question of whether engineering is required is being revisited. At this point, whether engineering will be required is going to be case-by-case. Rhodes asked if there will be a way to request a review of such decisions as part of the amnesty program. Miranda said it can be appealed and that the current appeal fee is awfully high and probably should be reduced.

Fox stated that if it is conventional construction, it should not require engineering.

Rhodes thanked Miranda for all the work she has put into the amnesty program proposal. Melton said he would like to look at the amnesty program in more depth. Miranda stated that the proposal is an attempt to get direction from the Board. Fox observed that the item is just an outline, and more work will need to be done on it. Engfer clarified the need to take the proposal to the Board.

Edwards recommended that #1 be separated into two substacks, with 1A amnesty and 1B internal procedures; that changes be made to step 4. Miranda reiterated the need to keep

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the focus on the first part. Rhodes agreed. Edwards requested more discussion of abatement. Rhodes emphasized that amnesty could work as a voluntary abatement process

Public comment was received by Mike Ahmadi who had a question regarding fine, penalty and liens related to property owners who are out of compliance and unable to pay the fines.

Rhodes moved to Item #3.

5. Discussion and Direction: First Draft of 2023 Annual Report to Board of Supervisors – Colleen Rhodes CCAC Chair.

After a discussion was had the committee approved the First Draft of 2023 Annual Report to the Board of Supervisors with the following amendments:

- Item #10, the word “design” is amended to “recommended”.
- Goals and Objectives for 2024, Finalized development of the Amnesty Program amended to Finalized development of an Amnesty Program.
- Third bullet point from the last will be move up to the fifth bullet point from the last and remove the word “trailers” after RVs to state as follow: Research Housing and Community Development’s park model rules and other regulations constraining the use of RVs for dwellings and recommend alternatives that may assist with housing supply.
- The last bullet point “Identify appropriate enforcement mechanisms for each category of prioritized case” will now be replaced with “Assist staff in identifying and documenting processes and procedures for all internal business processes including flow diagram and public facing accessibility. Develop outreach to the public with the assistance and collaboration of staff.
- Second to the last bullet point “Create a case prioritization system”, amend to include a comma after system and the word “nuisances”.
- The last bullet point “Design and recommend implementation of abatement codes consistent with state requirements” to include “with definitions” after requirements.

There was no public comment received.

By motion of Edwards, seconded by Fox, the Code Compliance Advisory Committee approved the First Draft of 2023 Annual Reports to Board of Supervisors with amendments. 5 ayes, 0 nays, 2 excused (Cummings and Lowey). Motion passed.

Rhodes moved to item #4.

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6. Future Agenda Items: None.

7. Adjourn

By Motion of Melton, seconded by Fox, the Code Compliance Advisory Committee meeting adjourned at 4:10 p.m. 5 ayes, 0 nays, 2 excused (Lowey and Cummings). Motion passed.

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