

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #20 FINAL MINUTES (approved 1/4/23)

DATE: December 7, 2022

TIME: 2:00 - 4:00 PM

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

1. Call to Order and Welcome at 2:00 pm by Chair Woblesky.

CCAC Members Present: Lydia Clary, Gabe Edwards, Robert Fox, Colleen Rhodes, Karen Smith and Karen Woblesky. Nancy Kemp arrived at 2:19 pm.

CCAC Members Excused: Eileen Collins

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

Public Present: Al Golub, Ken Melton

2. Approve Minutes of CCAC Meeting #19, 11/16/2022

Motion by Edwards to approve minutes as presented.

Second by Fox.

Motion passed. 6 ayes, unanimous.

3. Presentation/Discussion/Possible Action re: CCAC Updates. Topics include:
CCAC (current and upcoming) vacancy options; and administrative timeframes/deadlines for 12/2022 and 1/2023 CCAC submittals to the Board of Supervisors

County Free Bulky Items Dump Day update given by Rhodes. There were six participants. Low participation due to very bad weather including gusty winds and snow. Communication was good. Members thanked Sam and the Solid Waste staff from Public Works for making an excellent effort. Woblesky noted that 60 cubic yards were collected, which will never become junk.

Vacancy Options. Woblesky described our current and upcoming vacancies. One seat was vacated after Toso was elected Supervisor for District 3. Collins will leave CCAC at end of December to join Building Department as Extra Help staff. Smith will not reapply. There will be at least three vacancies. Nancy Kemp arrived during this discussion.

Engfer described staff's efforts for recruiting new applicants. Will try to get the word out and cast a wider net. There is also the option for Board action to reduce the total number of CCAC members, which would require a memo and agenda item for the Board. Rhodes would like to see a more vigorous recruitment effort before a reduction in the number of members is considered. Edwards would

like all prior applicants to be contacted again and an energetic recruitment done; the Chamber will assist. Woblesky would like all three vacancies to be part of the recruitment simultaneously. Fox would like to bundle all the vacancies and maintain a list of applicants from which future vacancies can be filled.

Woblesky asked for input from public. Melton stated his application has been with the Planning Department since the inception of the CCAC and he is still interested in being selected. He does not believe that a list can be maintained and worked from, but thinks a new recruitment must be done each time.

Engfer explained that the Clerk of the Board heads up the recruitment process. Woblesky described the past process and that it took many months to fill the first vacancy.

Administrative Timelines. Engfer summarized the timelines for calendaring items before the Board of Supervisors, consistent with the written material he provided in the agenda packet.

Woblesky invited further comments from members, the public present or on the phone. None.

No action taken on above items.

4. Discussion/Possible Action re: CCAC Moving Forward: Combination of Review and Update of County Codes and Internal Processes/Procedures with Development of Supportive and/or Remedial Code Compliance Activities/Programs.
 - A. Focus: Building without a Permit (BWOP) Discussion/Possible Action re: Review of Mariposa County Code/Ordinance, §15.10.240, Notice of Non-Compliance. Agenda packet includes: Mariposa County Code, §15.10.240, Notice of Non-Compliance

Woblesky introduced the subject. Clary described the possibilities for providing clearer information to the public. Clary indicated that an engineer is needed on fewer projects than is currently required. Described the unnecessary challenges to compliance and extra expense that requiring an engineer creates for residents and property owners. Gave examples of projects that could safely and appropriately be completed without the need for an engineer.

Willis said she would partially agree with Clary's ideas. Has concerns about pre-1977 structures. Thinks wording like "an engineer is required unless sufficient proof is brought to the Building official to show that an engineer does not need to be required" would be an improvement.

Clary reiterated that the blanket statement that an engineer is required needs to be removed. The circumstances under which an engineer needs to be required should be much narrower. Pointed out situations in which specialty engineers would not be qualified to review certain projects outside their specialties.

Willis said the department is trying to work on this issue. Would like to encourage the public to talk with the department staff.

Clary also pointed out that the Code suggests that actions would be taken immediately to cloud the title. Willis agreed that the Code needs to be reworked on this point.

- B. Focus: Building without a Permit (BWOP) Discussion/Possible Action re: Building Appeals and Associated Fees, Mariposa County Code/Ordinance, §15.10.060 Agenda packet includes: Mariposa County Code/Ordinance, §15.10.060 and Appeals Packet

Clary believes the appeals process costs too much; the fee is too high. The high cost deters communication. Willis responded that a fee study was done that resulted in the current fee. Further discussion ensued with no clear meeting of the minds. Woblesky asked for written input from Clary, which has been sent.

Edwards said it is essential to give broader information about a range of scenarios instead of presenting just the worst case. He suggested that all the information the public needs be put out front so that County standards and the Building Code requirements are presented from the start. It is essential to be clear and transparent. Figure out an option that onboards folks. All steps need to be documented with clarity in layperson's language setting forth everything that is needed.

Woblesky asked about the Notice of Noncompliance and how long it clouds the title. If a person doesn't get the final sign-off, they shouldn't necessarily have their title clouded. Clary agreed that there needs to be certainty before the title is clouded. Just because someone doesn't have a final should not warrant the clouding of the title. The objective needs to be to get the project finalized. Clouding the title doesn't accomplish what we want. Clary noted that the forms themselves are sometimes unreadable. The public pays for these permits and needs to be able to read their copy. The Notice of Noncompliance should be used in only those cases where people have repeatedly been given opportunities and still refused to cooperate.

Discussion ensued that certain Codes need to be rewritten. BWOPs need to be reviewed. 15.10.240 is not fully followed now. The process for complying needs to be provided in more detail and more accurately. Notification of property owners appears to need improvement. Many violations may need to be flagged, but without title being clouded. Need to go file by file and figure out where the problem is.

Discussion of forming an ad hoc committee to go over some of the BWOP files.

Woblesky asked how the ad hoc committee could move forward. Willis said she would coordinate with Code Enforcement Technician Miranda. Discussion ensued regarding which BWOP cases should be considered first. Engfer said he needs to consult with Miranda about what is now on the Code Violations List. Edwards noted that Agenda #19 has the most recent Code Violations List.

Chair Woblesky noticed that Melton wished to comment. Melton said that the violations should be a whole different agenda item. He commented that action should have been taken after Clary's presentation. He brought up an experience he had with code compliance. He asked that the CCAC take a single item and focus.

Fox asked for clarification about the clouding of titles. Willis responded that the cloud remains. A release must be filed, with document number and information that requirements have been met. A Notice of Release is filed.

Rhodes noted that the name of the complaining party is exempted under the Public Records Act. Engfer stated that he and staff will check on the legal limitations regarding review of files, if any.

Woblesky asked for public input before the motion is voted on. Melton said the ad hoc committee may want to limit itself to a few cases at a time. No other public input at this point.

Motion by Edwards to create two ad hoc committees, (1) the first to review code language, provide recommendations and rewrites (Code Review), and (2) the second to review Code Log cases to understand the points of failure on individual cases, to begin with BWOP violations, whether failure of business processes, communication, or other causes, with recommendations for functional changes (Case Review).

Second by Clary.

Motion passed. 7 ayes, unanimous.

Volunteers for both ad hoc committees, Code Review and Case Review, were identical: Clary, Edwards, Fox, and Rhodes.

C. Discussion re: Final Draft Memorandum to Board of Supervisors re: CCAC Initial Findings

NOTE: Final Draft Memo will be handed out at the CCAC Meeting

Fox stated he believes the memorandum is much improved. Woblesky described some of the changes and thanked members for their input. Engfer asked that comments be submitted at the next meeting. Woblesky stated that the final will be reviewed and edits made at the next meeting with the objective of getting the memorandum on the Board of Supervisors' agenda for a Board meeting in January 2023.

5. Discussion/ Possible Action re: Future CCAC Agenda Items. Next CCAC Meeting is scheduled for December 21, 2022. (Meeting #21) Topics may include:

CCAC Member Assignments Updates

Ad Hoc Committees: Specific Topics and Timeframes

Discussion/Development of Specific Programs/Activities, Recommendations for Improved and Updated Processes/Procedures, and Associated Recommended Updates to County Codes/Ordinances

Several members commented that they will not be available for the December 21st meeting.

Woblesky observed that we will not have a quorum for the December 21st meeting.

Motion by Rhodes to cancel the December 21st meeting.

Second by Clary.

Motion passed. 7 ayes, unanimous.

6. 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 were none.

7. Adjourned at 4:05 P.M.

Motion by Edwards to adjourn the meeting at 4:05 p.m.

Second by Smith

Motion passed. 7 ayes, unanimous.