

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING AGENDA

DATE: November 3, 2021

TIME: 2:00 - 4:00 PM

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

Members of the public who wish to participate in the meeting are invited to do so by submitting written comments, by attending the meeting in person (masking required), or by joining the teleconference:

To join the meeting by dialing in on phone, call this number during the meeting (long distance charges may apply): **United States: 1 (872) 240-3412** **Access Code: 824-486-645**

****Please note that all callers will be limited on their speaking time, and will be muted before and after public comment periods****

To submit written comments: Written comments may be submitted via U.S. Postal Service or email, or may be dropped off at the Planning Department. In your written communication, please note in the subject line which Planning Advisory Committee you are commenting to. Please indicate which agenda item you are commenting on.

1) Mail • Send written communication to:

Mariposa County Planning Department
PO Box 2039
Mariposa CA 95338

2) Email • Send an email to: planningdept@mariposacounty.org

3) Drop Off: • Written communication can be dropped off during the meeting or prior to the meeting at:

Mariposa County Planning Department
5100 Bullion Street, 1st Floor
Mariposa, CA 95338

No matter which of these formats you choose to use for written communication (Mail, Email or Drop Off) please note:

To ensure distribution to the committee prior to their meeting, it must be received no later than 8 a.m. on the day of the meeting.

For your written comments to be placed into the record it must be received or hand delivered to the committee during their meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at 209-966-5151.

MARIPOSA COUNTY

Code Compliance Advisory Committee (CCAC)

MEETING AGENDA

DATE: November 3, 2021

TIME: 2:00 - 4:00 PM

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

(Agenda items which cannot be discussed during the 2-hour meeting will be carried over to the next CCAC Meeting)

1. Call to Order: 2:00 PM Welcome
2. CCAC Member Introductions *(agenda packet attached)*
3. Elect Officers for Remainder of Calendar Year 2021 and Calendar Year 2022 (Chair, Vice-Chair, Secretary) *(agenda packet attached)*
4. Discuss and Set 2021 / 2022 Meeting Calendar (including dates, times, meeting location, and meeting format); Discuss and Provide Direction to Staff Regarding Educational Program (CCAC Responsibility Topics) *(agenda packet attached)*
5. Discuss and Recommend Board of Supervisor's Approval of 11/3/2021 Draft By-Laws for CCAC; action may include amendments to Draft By-Laws *(agenda packet attached)*
6. Review and Discuss Summary Requirements of the California Ralph M. Brown Act *(agenda packet materials at: <https://www.mariposacounty.org/DocumentCenter/Index/3074>)*
7. Review and Discuss Summary Requirements of Public Records Act *(agenda packet materials at: <https://www.mariposacounty.org/DocumentCenter/Index/3075>)*
8. Staff Presentation, CCAC Review and Discussion Regarding Local Government Structure and the Mariposa Planning Agency *(no agenda packet – staff will make presentation at meeting)*
9. Review and Discuss Board of Supervisors Recent Agenda Items Relating to Code Compliance; Direction May be Given to Staff *(agenda packet attached)*
10. Correspondence
11. 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. The public will also be given the opportunity to comment before or during the CCAC's consideration of the items that are on the agenda.
12. Adjourn

CCAC 11/3/2021 Meeting Agenda Item No. 2

CCAC Member Introductions

The CCAC has very important work to accomplish for Mariposa County, on an issue which is complicated and controversial, and impacts most property owners and county residents.

This item is included on the agenda for members to introduce themselves to others on the committee.

To be effective as a committee, the committee will need to work together, while being respectful of differing opinions.

Please be prepared to briefly introduce yourself to the CCAC, including the following information:

- Your name
- Your residence location (area or community only)
- Your primary interests in serving on CCAC, which may include how Mariposa County code compliance processes have impacted you
- Any special skills or knowledge you can contribute to the work of the CCAC
- Your potential interest in serving as an officer of CCAC

CCAC 11/3/2021 Meeting Agenda Item No. 3

Responsibilities of Officers

Chair

- Presides at all meetings
- Conducts meeting (generally in accordance with Robert's Rules of Order); calls meeting to order and adjourns meeting, announces sequence of business to come before CCAC, recognizes CCAC members and public members who request opportunity to address the committee, states and puts to vote action items on agenda
- Keeps discussions to listed agenda topics
- Controls meeting should testimony or discussions become heated (ensures proper decorum conducted at meeting)
- Cannot make motion, unless "passes the gavel" (control of meeting) to Vice-Chair
- May work with Planning staff regarding meeting agendas
- May represent the CCAC at other public meetings and community events (when action to direct representation has been taken by majority of members at a regularly scheduled meeting of the CCAC)
- May work with Planning staff regarding cancelling a meeting
- May limit amount of time allowed for public input on agenda items, to keep meeting on track
- Is fair and impartial; ensures meeting is conducted in manner which is respectful to all who attend

Vice-Chair

- Presides at meetings in place of Chair, when Chair is absent or unable to preside

Secretary

- Prepares draft minutes of meeting (audio of meetings will be available to secretary)
- Provides draft minutes to Planning within one (1) week of the meeting
- Provides final approved minutes to Planning within one (1) week of the meeting

NOTES:

The CCAC may request that the Planning Director (or the Planning Director's designee) serve as Secretary, provided that the Planning Director has staff and resources available for the purpose of preparing brief minutes.

The Planning Director (or designee) shall be responsible for noticing meetings, and preparing, posting and distributing the agenda and agenda packets.

The Planning Director (or the Planning Director's designee) is responsible for recording the meeting and for the archival storage of the audio.



MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 742 . 1215 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org

MEMORANDUM

Date: October 28, 2021

To: Code Compliance Advisory Committee (CCAC)

From: Sarah Williams, Director

Topic: 11/3/2021 CCAC Meeting Agenda Item 4 – Discuss and Set 2021 and 2022 Meeting Calendars; Discuss and Provide direction to Staff Regarding Education Program (CCAC Responsibility Topics)

2021 and 2022 Meeting Calendars

Attached are calendars for 2021 and 2022.

Staff recommends the CCAC establish a meeting schedule (meeting calendar) for the remainder of calendar year 2021 and calendar year 2022. This is important for both CCAC members and the public who are interested in the work of the committee.

Education Program

The Board of Supervisors established the CCAC's responsibilities:

- a. Review and understand local government structure
- b. Review and understand existing Mariposa County Code provisions
- c. Review, understand and comply with the Brown Act
- d. Review and understand state law requirements for code compliance
- e. Review and understand due process requirements.
- f. Review and understand current county code compliance cases
- g. Review and learn about what other similar jurisdictions do for code compliance.
- h. Determine if there are other ways to make the current processes and programs more effective, which, in addition to code amendments could include innovative ways to

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assist residents using resources such as, but not limited to volunteer efforts, community organizations, grants or other funding sources.

Staff provided the CCAC with significant background information (homework) related to some of these responsibilities in an email sent on 10/6/2021

(<https://www.mariposacounty.org/2555/Code-Compliance-Advisory-Committee>), including:

Part 1 – Existing County Codes Establishing Compliance Requirements

Part 2 – Uniform Procedures for Complaints

Part 3 – Compliance Handouts

Part 4 – Sample Correspondence / Compliance and Forms

Part 5 – Appeals Information / Forms

Part 6 – County Code Compliance Information

Part 7 – Brown Act Requirements

Part 8 – Public Records Act (PRA) Requirements

For the 11/3/2021 meeting, staff has scheduled CCAC review of Parts 7 and 8 above (procedural requirements affecting the committee).

Staff is seeking direction from the CCAC regarding the desired level of review of other background information regarding the county's current code compliance program and required processes. Staff minimally intends to schedule detailed review and discussions regarding Parts 1 and 6 from homework topics.

2021 CALENDAR

www.wiki-calendar.com

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HOLIDAYS AND OBSERVANCES:

Jan 1 - New Year's Day
Jan 18 - Martin Luther King Jr. Day
Feb 14 - Valentine's Day
Feb 15 - Presidents' Day (Most regions)
Mar 17 - St. Patrick's Day
Apr 4 - Easter Sunday

Apr 5 - Easter Monday
Apr 15 - Tax Day
May 5 - Cinco de Mayo
May 9 - Mother's Day
May 31 - Memorial Day
Jun 20 - Father's Day

Jul 4 - Independence Day
Jul 5 - 'Independence Day' observed
Sep 6 - Labor Day
Oct 11 - Columbus Day (Most regions)
Oct 31 - Halloween
Nov 2 - Election Day

Nov 11 - Veterans Day
Nov 25 - Thanksgiving Day
Nov 26 - Black Friday
Dec 24 - Christmas Eve
Dec 25 - Christmas Day
Dec 31 - New Year's Eve

2022 CALENDAR

www.wiki-calendar.com

JANUARY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	FEBRUARY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	MARCH S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	APRIL S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
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Jun 19 - Father's Day
Jun 19 - Juneteenth

Jun 20 - 'Juneteenth' day off
Jul 4 - Independence Day
Sep 5 - Labor Day
Oct 10 - Columbus Day
Oct 31 - Halloween
Nov 8 - Election Day
Nov 11 - Veterans Day

Nov 24 - Thanksgiving Day
Nov 25 - Black Friday
Dec 24 - Christmas Eve
Dec 25 - Christmas Day
Dec 26 - 'Christmas Day' day off
Dec 31 - New Year's Eve



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Sarah Williams, Director
swilliams@mariposacounty.org

MEMORANDUM

Date: October 28, 2021

To: Code Compliance Advisory Committee (CCAC)

From: Sarah Williams, Director

Topic: 11/3/2021 CCAC Meeting Agenda Item 5 – Discuss and Recommend Board of Supervisors Approval of 11/3/2021 Draft By-Laws for CCAC

Background

Mariposa County Code, Section 2.50.100.G for citizen's advisory committees requires committee by-laws.

"The planning director shall prepare draft bylaws for the review and approval of the planning advisory committees prior to submittal and final approval by the board of supervisors; Each committee may prepare additional components to the standard bylaws meeting committee needs. The amended provisions are subject to review and approval of the board of supervisors;"

Attached are Draft By-Laws for the CCAC's review and action.

Staff will schedule the CCAC's recommended by-laws for approval by the Board of Supervisors at a future Board meeting

Recommendation

Staff recommends the CCAC review the draft by-laws and make a recommendation to the Board of Supervisors for action.

Action may include amendments to the draft by-laws.

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Code Compliance Advisory Committee

11/3/2021 DRAFT By-Laws

Article I Name of Organization

Section 1: The name of this organization shall be the Code Compliance Advisory Committee (hereinafter referred to as “the CCAC” or “CCAC”), as authorized by Mariposa County Resolution No. 2021-331.

Article II Purposes and Tasks of the CCAC

Section 1: The CCAC has the following purposes and tasks:

- a. Develop recommendations to the Board of Supervisors for an effective code compliance process and program.
- b. Develop recommendations for innovative public policy and programs that address residents’ needs while also mitigating alleged violations.
- c. Support the work of staff in the conduct of fact finding and data gathering necessary to the CCAC to develop informed recommendations.
- d. Provide periodic assessment and evaluation of, and feedback to the Board of Supervisors regarding the success of an amended code compliance process and programs.

Section 2: The CCAC has the following responsibilities:

- a. Review and understand local government structure (including but not limited to the roles and the authority of, and the relationships between the public, a citizens’ advisory committee, County staff, the Planning Commission, and the Board of Supervisors).
- b. Review and understand existing Mariposa County Code provisions, including provisions for the Mariposa Planning Agency and code compliance, as well as adopted County policies related to code compliance.
- c. Review, understand and comply with the state’s Ralph M. Brown Act (Brown Act) requirements.
- d. Review and understand state law requirements for code compliance activities at a local level.
- e. Review and understand due process requirements.
- f. Review and understand current county code compliance cases, including the status of current cases, why certain cases aren’t being resolved, typical compliance issues, etc.
- g. Review and learn about what other similar or neighboring jurisdictions do for code compliance.

- h. Determine if there are other ways to make the current processes and programs more effective, which, in addition to code amendments could include innovative ways to assist residents using resources such as, but not limited to volunteer efforts, community organizations, grants or other funding sources.

Article III Members

Section 1: The Code Compliance Advisory Committee (CCAC) shall be established with nine (9) voting members. Membership requirements or considerations include the following:

- a. Members shall reside in Mariposa County.
- b. Members shall take an interest in issues associated with code compliance procedures, code compliance processing and public education.
- c. Members may have special knowledge, expertise, or skills related to code compliance matters, including governmental procedures, county codes, development and construction permitting requirements, code compliance procedures and options, and/or legal matters. Such special knowledge, skills, or expertise is not mandatory to be appointed to the CCAC.

Section 2: The CCAC may call upon representatives of other organizations or departments, and the general public as resources on certain topics related to the purpose, tasks and responsibilities of the CCAC.

Section 3: Initial appointment of CCAC members shall be as follows:

- Four (4) members: one (1) year terms
- Three (3) members: two (2) year terms
- Two (2) members: three (3) year terms

If the initial appointments are made mid-term, the appointments shall minimally be for the terms listed above [e.g. the “one (1) year terms” may actually be one (1) year and five (5) months terms or one (1) year and two (2) month terms].

After the initial appointments, all terms will be for two (2) year periods.

All terms shall expire upon the last day of February of the appropriate year.

The Board of Supervisors may remove at any time and without cause any member of the CCAC.

Section 4: CCAC members shall provide advance notice to the Chair if they are unable to attend a meeting. The Chair shall determine if the absence is excused or un-excused.

If any member of the CCAC is absent (unexcused) for two (2) consecutively scheduled meetings, then that member may be removed from the CCAC by the Board of Supervisors, and the Board of Supervisors shall fill the vacancy for the unexpired term.

Article IV Officers

Section 1: At its first meeting, the CCAC shall elect a Chair, Vice Chair and Secretary to serve a term of one (1) year or until the successor of each is appointed and qualified. Members will assume office immediately at that time.

Following the initial appointment of officers, elections shall occur at the first meeting of each calendar year.

Section 2: The Chair shall preside at all meetings of the CCAC and shall perform all duties necessary or incidental to the office, which may include approval of the agenda topics for all such meetings.

Section 3: The Chair (or designee) shall represent the CCAC at other public meetings and community events. The Chair shall only provide such representation based upon action taken by the CCAC at a regularly scheduled meeting of the CCAC in which a quorum was present.

Section 4: The Vice-Chair is Chair in the absence or inability of the Chair to act. The Secretary is Chair in the absence or inability of both the Chair and Vice-Chair to act.

Section 5: The Secretary shall prepare draft minutes of the meetings. The Secretary shall provide draft meeting minutes to the Planning Department within one week after the meeting. The Secretary shall provide final (approved) meeting minutes to the Planning Department within one week of approval.

Section 6: The CCAC may request that the Planning Director (or the Planning Director's designee) serve as Secretary, provided that the Planning Director has staff and resources available for the purpose of preparing brief minutes. The Planning Director (or designee) shall be responsible for posting and distributing the agenda and agenda packets. The Planning Director (or the Planning Director's designee) is responsible for recording the meeting and the archival storage of the audio.

Article V Ad-Hoc Study Committees

Section 1: At its discretion, and by a majority vote, the CCAC may appoint members of the CCAC to study specific items as determined by the CCAC. The membership of any ad-hoc study CCAC may not comprise a quorum of the CCAC.

Section 2: Ad-Hoc Study Committees may make recommendations and submit them to the CCAC for review and possible action.

Section 3: Ad-Hoc Study Committees may include participants who are not CCAC members, but whose participation is deemed valuable to the subject being studied.

Article VI Meetings

Section 1: All meetings of the CCAC are open to the public. Members of the public may bring matters to the attention of the CCAC, express opinions and request action. No action will be taken on items not on the agenda. Meetings of the CCAC shall be subject to the provisions of the California Open Meeting Law (Brown Act) and shall be conducted in accordance with Robert's Rules of Order.

Section 2: Meetings shall be held at the call of the Chair or at the request of the majority of the CCAC members. At its first meeting, the CCAC shall establish a meeting schedule deemed necessary by the CCAC to accomplish its purpose. The approved meeting schedule shall be posted for informational purposes on the CCAC's webpage within Mariposa Planning's web page, as well as on the Mariposa Planning Facebook page. The approved meeting schedule may be modified after approval, with majority vote of the CCAC. The modified meeting schedule shall be posted in the same manner as required for the originally approved meeting schedule.

If regular monthly meetings are not needed, meetings may be scheduled on an as-needed basis. Scheduling of "as-needed" meetings shall be coordinated by the Planning Director (or designee) and the Chair.

Section 3: Notice of CCAC meetings shall be posted and published by County staff not less than seven (7) days prior to the date of the meeting at the following locations:

- a. Mariposa Planning Website page,
- b. Mariposa Planning Facebook page,
- c. The Mariposa County Government Center,
- d. Publication in the *Mariposa Gazette*,
- e. Other posted locations as determined by the CCAC, and
- f. The meeting location.

The Planning Director or designee may supplement (increase) required notification in any manner deemed appropriate for the content of the proposed agenda.

Section 4: An agenda shall be posted at the meeting location at least 72 hours prior to any regular meeting by the Chair (or designee), if in-person meetings are conducted.

Section 5: A quorum for a duly held meeting and for action on any item shall consist of a majority of the voting CCAC members.

Section 6: At the discretion of the Chair, or upon request of a CCAC member, public input on matters being considered by the CCAC may be time-limited in order to allow for participation from all members of the public present who would like to speak, or for adequate deliberation by the CCAC before making a decision.

Section 7: Every decision made by a majority of the members present at a duly held meeting, at which a quorum is present, shall be regarded as a decision of the entire CCAC.

Section 8: An item on the agenda may, unless otherwise provided by ordinance, be continued to the next scheduled or to a subsequent meeting of the CCAC, the date, time, and location to be specified. A regular meeting will be adjourned when all of the agenda items have been discussed or continued to another meeting.

Article VII Correspondence

Section 1: All correspondence received by any CCAC member regarding matters being considered by the CCAC shall be forwarded to Planning staff, and distributed to all CCAC members.

Section 2: Upon receipt of any correspondence directed to the activities or responsibilities of the CCAC, the correspondence shall be placed on the agenda of the next regularly scheduled meeting, time permitting, for discussion by the CCAC.

Section 3: The Chair (or designee) shall reply to any correspondence, or refer the correspondence to the Mariposa County Planning Commission or Board of Supervisors, based upon action taken by the CCAC at a meeting in which a quorum is present.

Article VIII Amendments

Section 1: These by-laws and any amendments to these by-laws may only be reviewed at a regular meeting of the CCAC.

Section 2: These by-laws and any amendments approved by the CCAC shall be submitted to the Board of Supervisors for review and final approval.



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Sarah Williams, Director
swilliams@mariposacounty.org

MEMORANDUM

Date: October 28, 2021

To: Code Compliance Advisory Committee (CCAC)

From: Sarah Williams, Director

Topic: 11/3/2021 CCAC Meeting Agenda Item 9 – Review and Discuss Board of Supervisors Recent Agenda Items Related to Code Compliance

Background

At their meeting on October 19, 2021, the Board of Supervisors discussed two items which are related to Code Compliance and the work of the CCAC.

Attached are the agenda packets submitted by Supervisors Long and Sweeney for the items, as well as the draft meeting minutes prepared by the Clerk of the Board of Supervisors.

Relative to the Board's direction:

- The roundtable discussion/workshop has not yet been scheduled by the CAO. Staff will let the CCAC know when that has been scheduled.
- Staff has prepared a one summary of the current code compliance processes (attached) and is working on the assignment to identify resources needed to address the "code compliance problem".

Recommendation

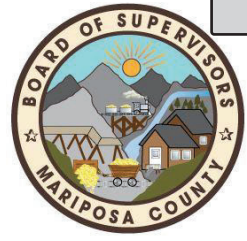
Staff recommends the CCAC review the draft and discuss these items. The CCAC may provide direction to staff.

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MARIPOSA COUNTY

Board of Supervisors • 209-966-3222



L.3

MEETING: October 19, 2021

TO: The Board of Supervisors

FROM: Marshall Long, District III Supervisor

RE: Illegal Marijuana Discussion and Direction

RECOMMENDATION AND JUSTIFICATION:

Discussion and Direction Regarding Formulation of a Plan to Address the Crisis in Mariposa County Regarding Illegal Marijuana.

The Board of Supervisors hears regularly from concerned and impacted Mariposa County residents and property owners regarding the significant impacts created by illegal marijuana grows. Some of those impacts include:

1. Environmental impacts, including excessive use of groundwater, contaminated water runoff, improper storage and use of fertilizers and chemicals, improper storage of fuel, unpermitted diversion of surface waters, erosion, untreated sewage release, and hazards to wildlife
2. Nuisance impacts, including odors and illegal camping
3. Building violations, including unsafe and unpermitted construction, unpermitted grading, unpermitted generators and modified electrical systems (including by-passing meters)
4. Fire danger, including electrical fires caused by extension cords, generators, overburdened/modified electrical services and campfires/cooking fires during fire season
5. Criminal activities, including vandalism, theft and violence
6. Housing impacts, including houses being used for cultivation and not families, and houses permanently damaged due to moisture damage, mold and toxic chemical residue
7. Loss of property values
8. Loss of treasured safe neighborhoods

County staff are working diligently to address the illegal grows in the county, but efforts are falling short due to increases in the number of grows.

Agenda Item - No Resolution Requested

This item is scheduled to enable the Board to discuss illegal marijuana, and to take input from residents, property owners, business owners and County Departments. The Board could potentially give direction to staff regarding moving forward with a plan to address this crisis.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- 1996: CA voters approved Proposition 215 entitled the “Compassionate Use Act of 1996”, enabling persons in need of marijuana for medical purposes to obtain and use it without fear of criminal prosecution.
- 2004: Senate Bill 420 enacted establishing the “Medical Marijuana Program Act” to clarify the scope of the Compassionate Use Act of 1996. This allowed counties to adopt and enforce regulations consistent with the law.
- 2011: Assembly Bill 2650 enacted, affirming that local jurisdictions can adopt ordinances that restrict the location and establishment of medical marijuana collectives.
- 12/20/11: Mariposa County Ordinance 1086 adopted, amending the Zoning Ordinance to establish the following as prohibited uses in all zones: medical marijuana dispensaries, the collective or cooperative cultivation of marijuana and the cultivation of marijuana for medical purposes by persons not residing on the property on a permanent basis.
- 3/25/2014: Mariposa County Ordinance 1104 adopted, establishing Mariposa County Code Chapter 8.56 Medical Marijuana Cultivation to allow limited cultivation of medical marijuana for personal consumption.
- 11/9/16: CA voters approved Proposition 64 entitled “Control, Regulate, and Tax Adult Use of Marijuana Act”. Local jurisdictions given choice to adopt local ordinances to regulate commercial marijuana businesses or to completely prohibit these businesses.
- 10/17/17: Mariposa County Ordinance 1129 adopted, amending the Zoning Ordinance to prohibit commercial cultivation, processing, manufacture, wholesale or retail sale and public consumption of marijuana (uses requiring a license pursuant to the Adult Use of Marijuana Act)

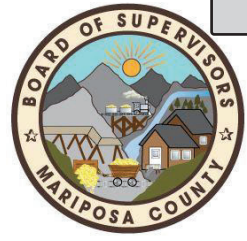
ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

This is a discussion and direction item and no formal action is scheduled.



MARIPOSA COUNTY

Board of Supervisors • (209) 966-3222



L.4

MEETING: October 19, 2021

TO: The Board of Supervisors

FROM: Tom Sweeney, District II Supervisors

RE: Code Compliance Processes and Resources Discussion

RECOMMENDATION AND JUSTIFICATION:

Discussion and Direction regarding Code Compliance processes and determination of required resources. (Supervisor Sweeney)

For several years, the County has been struggling with noncompliance with Mariposa County Codes (MCC) and continues to receive calls and emails on a regular basis regarding its inability to enforce those codes. This has been particularly evident in the area of illegal marijuana cultivation, which falls under MCC Title 8.56, but is also seen with junk properties, abandoned trailers and vehicles (MCC 17.108.70 and 8.32), and things built without a permit. A glaring example of an abandoned vehicle situation can be seen in a vehicle that, for weeks, has been parked the wrong way with a tow tag on the antenna, just up the street from the Government Center.

On March 16, 2021, the Board gave direction for Code Compliance to begin forwarding cases to the District Attorney's office for action. No cases have been resolved in this manner to date, and it appears that we are up against a resource constraint in our ability to process compliance cases. As we have heard with illegal marijuana cultivation, the same seems true of the Sheriff's Office.

However, this unresolved situation has resulted in tax paying, law abiding citizens leaving Mariposa County, with more considering leaving. Given the decline in overall population that was identified by the recent census results, the concern that must be considered is whether we can afford any further decline in our population and still continue to operate at the level of service necessary to maintain County Government.

This item is being brought forward in response to the multitude of complaints aimed at this Board which have highlighted the need for additional actions or fact finding. While there may be other potential courses of action, the following have been identified and are being offered for the Board's consideration:

1. Define the step-by-step process from receipt of an RFI to closure, including enforcement actions through the District Attorney and Superior Court.

Agenda Item - No Resolution Requested

(Planning and District Attorney)

2. Determine resources required to facilitate more timely processing of compliance cases (less than 6 months) (Planning)
3. Outline resources needed to facilitate enforcement of our marijuana cultivation ordinance. (Sheriff)
4. Determine resources needed to enforce our abandoned vehicle ordinance. (Sheriff)
5. Direct the Building Department to file a complaint with the California State License Board for ALL cases of contractors building without a license or without a permit.

Upon receipt of the estimates ascertained from the above direction, the Board will then be able to evaluate the cost of the resource requests and decide what additional funding allocations, if any, should be made.

Other areas that should be investigated simultaneously include whether there are outside entities that can help on a temporary basis, and whether additional full time or part time staff need to be hired to accomplish the Board's goals.

Lastly, it is strongly suggested that any Board direction also include a three week completion deadline.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has discussed this issue in the past. It has also been receiving regular citizen complaints citizens regarding Code Compliance issues.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board cannot discuss a matter not on the agenda.

ATTACHMENTS:

Code Compliance Photographs (PDF)















RESULT: ADOPTED [UNANIMOUS]
MOVER: Miles Menetrey, District V Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

2. **Planning (ID # 12262)**

Waive the First Reading and Introduce an Ordinance Amending Title 17 to Add Section 17.148.010 to Title 17, Mariposa County Code, to Define Special Events and Special Event Facilities, and to Add Section 17.108.220 to Title 17 to Add Permitting Provisions and Development Standards for Special Event Facilities Pursuant to General Plan/Zoning Amendment No. 2017-084; County of Mariposa, Project Proponent

Sarah Williams noted that this item goes with the preceding item. She also discussed the ordinance timeline and noted that they will advise the individuals with facilities once the process is complete. No public comment.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/2/2021 9:00 AM
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

3. **Board of Supervisors (ID # 12224)**

Discussion and Direction Regarding Formulation of a Plan to Address the Crisis in Mariposa County Regarding Illegal Marijuana (Supervisor Long)

Supervisor Long gave the staff report noting the many concerns that he, Supervisor Menetrey, and the Board have received from citizens regarding illegal marijuana growing in the county. He noted that illegal marijuana growing is a clear and present danger and requested the development of a strategic plan to address the crisis given that the word on the street is that Mariposa County is an easy place for such grows. Board discussion ensued regarding a facilitated meeting, existing provisions in County Code, and whether this item should be consolidated with the item that follows.

Public comment opened.

Laurie Kinslow read from, and provided a copy of, a letter from the residents of Royal Oaks Estates asking for help with illegal marijuana and criminal growers. Ms. Kinslow noted that the growers need to be hurt financially and suggested a fine of \$500 per plant, with the ability to put a lien on the subject property.

Ken Melton complimented Supervisor Long on seeking to address code compliance issues by type because the laws and issues are different on things like marijuana and abandoned vehicles. He also spoke in support of a meeting but cautioned that in-depth knowledge of existing ordinances will be necessary.

Jeremy Briese discussed the focus of his office; advised of his recent attendance at a Sheriff's conference where the main topics were Covid19, staffing, fires, or marijuana; noted that there are counties that are more lenient; and noted that a mechanism is needed that differentiates between legal versus illegal marijuana

because, currently, all complaints come to his office. He also discussed the dedication of his staff, the number of hours in overtime that they are working, and the actions that resulted from the investigation of over 100 locations. Sheriff Brieze also noted his recognition that it is a big problem, advised that his office works with Code Compliance, and noted that the majority will be resolved from working with Planning and the Board, because of the need for additional funding and personnel. He also mentioned other resources like asset forfeiture or use of Fish and Game.

Tara Schiff/Lushmeadows resident and Economic Development Specialist recounted an incident with her sixteen year son finding an illegal grow in Lushmeadows. She noted that she did call Code Compliance, and discussed her upset with finding it in a residential area. She also noted, as the Economic Development Specialist, that these grows are also not good for economic development, first, because we make no money off of it but, also, because they are taking up homes or land that could be used for homes.

David James/Royal Oaks resident extended thanks for the discussion, and urged action because of the effects on neighbors and the community, as well as despoiling of water.

Mike Charman/Sheriff's Sargent noted that he supervises the marijuana team, advised that he doesn't want to delve into the current ordinances but feels it boils down to the ability to enforce and prosecute them; and noted that a fifty plant grow is not illegal under State law. He also discussed their short staffing; and noted changes to federal funding for the upcoming federal fiscal year which will only provide funding for marijuana grows by drug trafficking organizations or those considered large scale. Sargent Charman also noted that the plant count was significantly lower this year but that investigative work is more than it has ever been. He also advised that some of the laws referenced in county ordinances do not exist anymore; and noted that the critical consideration is the enforcement part.

Karen Smith/retired realtor advised that she used to see property go to drug grows all the time and that she worked with Sheriff Binnewies on it. She noted that one consideration might be the real estate agents, and she suggested working with the realtors to let them know that it is okay to miss a sale.

Kris Casto remarked that she thinks there is a fear of retribution; advised that people are scared and need protection; and noted that the middle-sized grows can be just as detrimental as a large grow.
Public Comment Closed.

Supervisor Long emphasized that he is not expecting the Sheriff's Department to shoulder the entire burden at all because other avenues may exist, like using the Ag Commissioner or some administrative process. He also referenced ordinance 1129 and noted that when people buy a property, they have to sign something that acknowledges their understanding that Mariposa County is a right to farm county, and suggested that a similar acknowledgement regarding the prohibition of commercial marijuana processing might be in order as it would give the Sheriff the ability to put the property owner and the marijuana together without the need for all of the investigations and search warrants. Supervisor Long also noted that ordinance 1104, regarding medical marijuana, is no longer needed and advised that it is being used by people to grow additional plants; and advised that there is an individual asking people to plant on their land at the rate of \$1,000 per plant, so that 30 plants will bring \$30,000 to a property owner

Board discussion ensued regarding existing county code provisions, whether the County can make laws stricter than the State, making existing penalties stiffer, the

possibility of ordinance penalties being felonies rather than misdemeanors, upcoming multi-department staff meetings on the subject, and increasing penalties to \$1,000 per plant, with an additional fee for each day afterwards.

DIRECTION:

The County Administrative Officer (CAO) is to schedule, as soon as possible, a roundtable discussion/workshop for the Board with the Sheriff, Planning, District Attorney, and County Counsel to discuss what does or does not work relative to the enforcement of illegal marijuana grows, as well as potential solutions, with the aim of creating a strategic plan to address illegal commercial marijuana growing in Mariposa County. The CAO is also directed to identify and procure a facilitator for the meeting.

RESULT: DIRECTION GIVEN**4. Board of Supervisors (ID # 12252)****Discussion and Direction Regarding Code Compliance Processes and Determination of Required Resources (Supervisor Sweeney)**

Supervisor Sweeney noted that he is not advocating for any kind of code change at this time but, rather, working with the existing codes. He recounted receiving a steady stream of complaints regarding code compliance since coming in to office, then gave the staff report, and discussed the number of active code compliance cases. He noted the definition of “public nuisance” that is contained within the California Civil Code. He also noted that the census data shows that the county’s population went down by 1100 people and recounted speaking to people who said that they were moving rather than deal with the problems.

Public comment opened.

Rick Brady noted presenting the Board with photographs three or four years ago, but that they have seen nothing done and the area looks worse than before, with the roofs now coming off. He stated that they feel no one cares, and remarked that the lack of accountability invites more people to do the same. Mr. Brady also noted that Corrina Miranda has been helpful but is only one person. He also suggested using volunteers and remarked that he knows several people willing to help.

Anthony Marchesiello noted seeing many changes in the sixteen years that he has lived in the area. He discussed the crime, marijuana growers, and lack of resources and noted that people are leaving the area. He suggested streamlining processes and offered that the abandoned trailers should be removed, and suggested that the marijuana should be taken and sold to companies that make legal products.

Karen Smith noted that she is on the new Code Compliance Committee; advised that she lives next door to a house that has been abandoned since 1999; and remarked on the need to address the issues.

Judy Burden/Greeley Hill resident advised that she has only lived there about four years but that she has been very involved and working with the County, and suggested getting the citizens involved as much as possible. She advised of the success of their community cleanup a couple of years ago which brought twice as many volunteers as anticipated, and discussed the difficulties they had, prior to calling Good Will, of finding someone to pick up metal. She also recounted her time working for the State; noted frustrations with trying to get people to follow the procedures; and advised that she knows the value of taking care of problems quickly.

She also recounted a situation with a pack of dogs in her area; and noted that she is not sure what happened after the County came out.

Public Comment Closed.

Board discussion ensued about the focus of the Code Compliance Advisory Committee, the possibility of working with volunteers and the difficulty that presents due to insurance issues, previous contacts with Habitat for Humanity who has the insurance, and assistance that Health and Human Services has provided.

Chair Long reopened public comment, and Anthony Marchesiello suggested getting the Internal Revenue Service involved because the taxes are probably unpaid. Public comment closed.

DIRECTION:

The following items are to return to the Board by November 23, 2021:

- ***From Code Compliance a one page summary of their current processes.***
- ***From Planning, identification of the resources needed to address the code compliance problem.***
- ***From the Sheriff, identification of the resources needed to address the abandoned vehicle problem.***

Building is directed to immediately start filing complaints with the California State License Board for any cases of contractors building without a license or without a permit.

The CAO is to advise the above departments of the direction.

RESULT: DIRECTION GIVEN

M. Board Information

The Board skipped this section this week. However, Supervisor Sweeney noted receiving complaints about the reports function not working in the new ERP, and advised that he may be putting a board item together. Supervisor Smallcombe reported on concerns by the El Portal Planning Advisory Committee regarding the toxicity of the algae, and advised that she was informed by the State Water Resources Control Board that they are not able to respond with appropriate signage this year but are prepared to move at the beginning of next year.

N. Adjournment

4:23 PM Chair Long adjourned the meeting in memory of Larry Rochelle, and Terrance "Terry" Lane McDonald.

Respectfully submitted,

René LaRoche
Clerk of the Board

Marshall Long
Chair, Board of Supervisors

